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[10:07:14 AM]

>> Mayor Adler: Before we begin our meeting this morning, we have an invocation with reverend mylon Avery of the arc community church. Reverend, would you please come down. Everyone, would you please rise.

>> Thank you. Dear father in heaven, I come before you with thanks. I'm thankful today, thankful for the life that you give, for the many blessings you provide us, and I am thankful today for this great city. I know that you love this city and that you sent us here. I love the people of this city and I know that this city, Austin, Texas, is blessed. And I'm thankful, god, for the men and women here today to dedicate their lives to leading this city, who wake up every morning and work hard to improve our lives and build a better tomorrow. And I know that there are many challenges in front of them. And so I ask for your great presence in this place and in their lives. I ask you to give them wisdom to guide their thoughts and inform their decisions. I ask that you give them discretion when they speak so that although opinions may differ, a spirit of unity and of purpose would prevail. And most of all I ask that you fill us with love, love for each other and for the people of this city, and it is that love that will motivate what we do and how we live. You said that if we call on you you would answer, that if we seek you you would be found among us and you would bless our land. So we call on you that you would answer our petition. We seek you that you would be among us, and we rely on your die vine guidance to lead us into a brighter city in this great city. The city of Austin, Texas.

[10:09:14 AM]

In the name of Christ Jesus I pray, amen. Thank you.

>> Mayor Adler: Council, I'm going to call order today's meeting. It's Thursday, August 3rd, 2017. We are in the city council chambers here at 301 west second street in Austin. Let's take a look at today's agenda. We have changes and corrections. Items number 16, 17 and 18 are related and they need to be handled before we have the -- the hfc meeting this morning. Item number 46 is being postponed till August 17. Item number 69 relates to drinking water protection zone to be included in the 2017-2018 capital budget. Item number 70 is withdrawn. Item number 92, the planning commission recommended to grant the restrictive covenant termination 8-0 with commissioners causey, dehoyas, slitser will, Thompson and white absent. In today's consent agenda, which goes through item 76, we have some items that are pulled. Item number 49 has been pulled by the mayor pro tem. Item number 56 is going to be pulled and set for a 11:00 A.M. Time certain.

[10:11:16 AM]

Item number 57 has been pulled by councilmember Houston. Item number 58 pulled by councilmember Flannigan. Are there any other items to be pulled? Mayor pro tem.

>> Tovo: Mayor, I would like to pull item 22 and request a postponement.

>> Mayor Adler: Okay, so let's pull item number 22. Okay. Yes.

>> Alter: I don't need to pull anything but would like to add \$200 for item number 64, please.

>> Mayor Adler: So noted. Anything else to be pulled? Ms. Houston.

>> Houston: Excuse me, mayor, I'm not used to being on this side of the dais. Yes, I've got a couple quick questions about a couple of them. I would like to pull item number 6. Number 9. 39. 41. 51.

>> Mayor Adler: Okay. Anything else to be pulled? We have some speakers to speak on the consent agenda. Let me call them down now to speak. We have pat baltreus.

>> Mayor, as they are making their way down, I just want to take a moment to recognize cub scout pack 446 from the oak hill area that are here with us today. They are in fifth grade.

[10:13:17 AM]

We have Jillian cou, Aidan Zou, Ryan, Shane, Carson Collins along with their leaders Dennis cou and Kevin Collins. Thank you guys for being here today. Appreciate it.

[Applause]

>> Mayor Adler: Okay. We have another group also to introduce, but let's get through the consent agenda, then we'll come back to that. Ma'am. You have three minutes.

>> Thank you, mayor and mayor pro tem and councilmembers. I am here to speak on item 39. I signed up as neutral because I am not opposed to animal services having a \$1,100,000 contract with veterinary specialists to do surgery on perhaps maybe 20 animals that come through the center that need specialized services. I support saving their lives and spending \$100,000 doing. What I have a problem is there is no detail in the backup document about how many animals we're going to save, how much it's going to cost per animal, where that money is coming from, and what are the other needs that might be addressed with what I believe is a donations fund. I'm very proud of this city that we have a very well-functioning animal shelter with a 13 million dollar budget. We also have unmet needs. Cats and kittens are being put back on the street after their spayed and neutered. I believe the citizens of Austin do not know we are putting friendly cats and kittens back on the streets after their spayed and neutered. When we passed the no-kill plan, there was an item that said community cats.

[10:15:19 AM]

Everyone assumed community cats meant feral cats. They did not know that we would start taking a thousand friendly adoptable cats and kittens and putting them back on the street. And most disturbing to me is the fact that under six months old, if they are between three and six months old, they are being fixed and they are being put back in the location where they were found. And the other night I was involved in a street team that pulled a little two and a half pound kitten out of a storm drain. And that kitten, if that kitten had been three pounds he would have been put back in the storm drain in front of CVS on south Lamar and oltorf, which I believe is councilmember kitchen's district. You know how dangerous that intersection is. That would be not be a place to put a kitten back and that's where he was living. CVS came out and helped with the rescue. I agreed to take the kitten because I wanted to be sure he didn't get put back the street. And one of the people who pulled him out, he was appalled that it would even be considered he would be put back. So I would like you to have a community conversation about the donations fund. I would like you to consider spending \$100,000 on veterinary specialists, but I believe the donations fund has \$300,000 and I would like you to look at kittens and cats that are being put back on the street without a caretaker. I would like to look at animals that are going back to their reclaimers --

[buzzer sounding]

-- Intact. May I finish?

>> Mayor Adler: Finish your thought.

>> And also adopters when they adopt are being able to take animals out intact because they say there's not enough money to do that. And I'd like you to look at those needs as well as the \$100,000 veterinary contract. Thank you.

>> Mayor Adler: Thank you very much. Next speaker is David King.

[10:17:23 AM]

>> Thank you mayor, mayor pro tem and councilmembers. I support Pat's call on more public input on the donation fund and I'm now going to speak about the item regarding the low-income housing tax credit. Item 57. The low-income housing tax credit is important. The Zilker executive committee supports this program in the Zilker neighborhood. It will provide 120 to 140 subsidized housing units. A front line investigation this spring found more money has been spent on low-income housing tax credit program on the program yet fewer affordable housing units have been built in the United States. This investigation found that between 1997 and 2014 the number of units fell from over 79,000 to under 59,000 annually. Yet the cost to taxpayers increased by 66% after adjustment for inflation and the rise in construction costs only accounted for about half of this increase. The program is under investigation by Senator Charles Grassly. Grassly indicated the program may not be serving all the people it should serve. There may be people in the middle getting more than they should. Front line found two developers used inflated cost estimates to steal \$34 million from 14 low-income tax programs. This is on top of the tens of thousands these developers made on the project. Nearly 2 million was stolen from a low-income housing project for the homeless. The city of Austin should audit these programs, these projects in Austin. We need more transparency and accountability in our low-income tax housing projects. We also -- single-family homes that our affordable housing money will be used for. The city's affordable housing policy seems to be focused primarily on apartments at the Santa Claus Santa Claus of single-family homes. It's more cost effective than to deal with the consequences of displacement.

[10:19:25 AM]

Stay in place policies should be implemented as soon as possible to help avoid displacement. We need the mayor's force in place asap. We also need to implement councilmember Pool's proposal for a study on gentrification and displacement as soon as possible. We need to locate strategies like using the affordable housing fee in lieu money to help low-income families pay mortgages, property taxes, down payments, rent, deposits. Transportation costs and make repairs to their home. And also requiring a contribution to the affordable housing funding as a condition of up zoning on properties that are appraised at or above \$500,000. Thank you.

>> Mayor Adler: Thank you. Next speaker is Gus peña.

>> Mayor, councilmembers, good morning. Gus peña, native east austinite, proud United States Marine Corps veteran. During the break that you all had a lot of my veterans were still suffering. You go to the main library and we can go right now, you can walk with me if you want, I walk everywhere, and you'll see homeless veterans. And it's increased because they are coming in from other states, other cities. And I want to thank an anonymous donor over the break that you all had sponsoring my trip to Washington, D.C. I spoke to Ben Carson, he is a Republican, but I work with anybody, I'm a Democrat. A proud Mexican Democrat for a long time ago. My dad was born 1998, first World War I veteran. He also started the issue about housing back then. And we met with his chief of staff, secretary Carson's chief of staff stated he will make a promise to visit Austin as, again, I spoke to chief of staff David shulkin about the problem we have about so-called affordable housing for veterans.

[10:21:28 AM]

Now, I want to thank David for being very articulate on number 57. I always said if you are going to tear down an apartment complex for renovations and mayor pro tem, you heard me say this way before we started that even when you first were elected is to have funding or units for people that are displaced. We don't need anybody more on the streets. One item is very key and crucial to me, and I mean no disrespect to any organization, echo. We could go to the V.A. Clinic, we do not have social workers for homeless vets to be provided the voucher, a federal voucher for veterans only. We don't have them anymore. We have only two within echo. That's not acceptable to us veterans. We have thousands of veterans going to the clinic who are homeless. And need help and they are negotiate -- they have to go through a process, it could be three months. Senior citizen veterans have to wait more than three months, Mr. Mayor, councilmembers, for housing, for a voucher. Not acceptable. We veterans, we veterans should be allowed to have a social worker at the V.A. Clinic and that's one of the things I spoke to the chief of staff about. They were appalled. He didn't even know about that, the chief of staff of veterans affairs. We need our own social workers over here. We can't wait three months for a housing unit. That's not acceptable for a veteran. Senior citizens and veterans going without vouchers, not good. I hope all of you all listen to this because I've experienced it personally, the issue is this, it is not an appropriate issue or situation for a veteran much less anybody on the streets. So I was here to speak on item number -- is it appropriate, 16, 17, 18, 19?

>> Mayor Adler: Those have been pulled.

[Buzzer sounding]

>> And last --

>> Mayor Adler: That's not true -- 16 and 19 are the ones that you were signed up to speak on. They have not been pulled.

[10:23:29 AM]

>> Let me just wrap up quickly. I just want to say we talk a good talk but we need to walk the walk. We need to do a lot better to house not only the veterans but the single female veterans homeless with children. I can take you there, Mr. Mayor. I'll leave it at that. Remember this, house the homeless veterans, house the homeless single female veterans with children. Thank you.

>> Mayor Adler: On item number 55, the -- there's an appointment from what had originally been posted. It is the joint sustainability, not joint inclusion committee that Blythe Christopher reeve has been appointed by the zero waste advisory commission. The last speaker we have on the agenda is -- on the consent agenda is Stuart Hirsch.

>> Mayor and members of the council, my name is Stuart Harry Hirsch and I'm here to speak about item 66. I'm here to praise the remarkable work of Austin code working collaboratively with building and standards commission to adopt the 2015 international property maintenance code which is a real thin document, by the way, with appropriate local amendments to address overcrowding in housing with appropriate levels of safety. For those of us who have raised children in Austin, the scheduling of the public hearing next month will set the stage for replacing the current antiquated overcrowding standard that makes all children over 2 years of age adults. We can discuss at the public hearing how adults will now be people 18 years or older like they have been in our zoning regulations for decades.

[10:25:29 AM]

I will tell you that many of us know what it takes to raise four or more children when all we can afford is an older two-bedroom, one-bath home. The proposed new regulations will be much more family friendly while preserving safety. This is 40 years in the making. Thank you to Ms. Wright and her staff for all their hard work since the first stakeholder meeting we had on February 12, 2016. It's been a long path. We worked hard together. We have tenants organizations and apartment associations all apparently in agreement on this and I'm sure looking forward to next month when we finally move forward and make it easier for those of us with big families and lots of children to live in Austin. Thank you very much.

>> Mayor Adler: Thank you. Councilmembers, on the consent agenda which goes from items number 1 through and including item number 76, the items that have been pulled are items 6, 9, 22, 39, 41, 46 is being postponed to August 17th, also being pulled 49, 51, 56, 57, 58, and item number 70 is withdrawn. Is there a motion to approve the consent agenda? Councilmember kitchen. Second? Ms. Houston. I'm sorry?

>> [Inaudible]

>> Mayor Adler: Dr. Alter can second the consent agenda. Is there any discussion or debate on the consent agenda? Hearing none -- I'm sorry, yes, mayor pro tem.

>> Tovo: Mayor, I am going to recuse myself from item 21. I haven't been able to get to the bottom of whether or not I need to but I'm going to recuse out of abundance of caution.

[10:27:29 AM]

I just wanted to make a comment about items 8, 9 and 10. 8 and 9 are expenditures for the alliance children's garden, a much anticipated and much overdue piece of our town lake park master plan and I'm really excited to see this moving forward. And I'm excited to see the work continuing to move forward at oakwood cemetery after a lot of public discussion over the finding of individual's graves on that site. All three of those expenditures would have been eligible for hotel-motel tax funding if we had reserved more of that last year for our own general fund purposes. As I read through item 9, it talks about the alliance children's garden and talks about how it will be expected to have an iconic sense of place as a new destination for all austinites and out of town visitors. It's clearly part of our imagining of that space it will serve not just austinites but also out-of-town visitors. And oakwood cemetery did receive some hotel-motel tax to use towards renovations. As we approach our budget session and as we talk and think about how we want to use our hotel-motel tax revenue, I just point out these are three items on our agenda and we're approving those and I'm in support, but we're funding them through different means and they could have been funded through hotel-motel tax dollars.

>> Mayor Adler: Okay. Councilmember troxclair.

>> Troxclair: I completely agree. I just want to be shown voting no on item number 3. This is the swift loans reclaimed water subsidised die customers who do not receive the service. I want to be shown no on item 5. This was originally supposed to take 16 months and cost \$800,000. We're now 39 months and \$1.6 million.

[10:29:30 AM]

Item number 14 I think we're on the wrong side of the first amendment on this lawsuit. Items number 31, 32 and 44 because they are unnecessary expenses. And also shown voting no on item 25. I want to be shown abstaining on item number 13 and item number 33. On item 3, this is a \$3 million contract and we only received one bid so I hope we can move in the direction of having more competitive bids in the future.

-- 33.

>> Mayor Adler: Okay. It's been -- Ms. Houston.

>> Houston: I want to be shown as voting no on item number 22.

>> Mayor Adler: 22 has been pulled.

>> Houston: Thank you.

>> Mayor Adler: We'll bring that back. That's okay. Any further discussion on the agenda? Consent agenda? Let's take a vote. Those in favor? Those opposed? Unanimous on the dais with the exceptions noted. That is the consent agenda. At 10:30 we have a call for the -- the meeting of the Austin housing and finance corporation. That's now been moved up to 10:30 on our agenda consistent with the changes we made last time. While that staff is coming, Ms. Houston, do you want to make an introduction of a group?

>> Houston: I would love to make an introduction. I would like to ask all the young men with the African-American youth internship program to please stand. Mr. John Bailey is here with these five -- one, two, three, four, five young men. And this program was created to combat the double digit unemployment rate of young African-American young men between the ages of 16 and 19 by exposing them to opportunities that exist in entrepreneurship. So welcome to the city hall.

[Applause]

>> Mayor Adler: Welcome.

[10:31:32 AM]

This undoubtedly will be the most exciting morning you guys have ever spent.

[Laughter] But welcome here. You want to take us through the agenda?

>> Good morning, Rosie Truelove, interim director of neighborhood housing and community development.

>> Mayor Adler: I'm going to recess the city council meeting and convene the meeting of the Austin housing and finance corporation. Today is August 3, 2017. We're in the city council chambers and it is 10:30. Do you want to take us through the agenda.

>> Good morning, Rosy Truelove. The items we have before you today, item number 1 is the minutes for our last board of directors meeting which was June 8th, 2017. Item number 2 is negotiation and execution of an amendment to the service agreement between the city of Austin -- I'm sorry, for the

Austin housing finance corporation and the city of Austin, which is funded by proceeds from the city's affordable housing, general obligation bonds in the amount of 5.5 million for a total not to exceed 29,054,207 to increase the capital budget by 5.5 million for a total amount not to exceed 19.5 million. Item number 3 -- excuse me while I flip through my papers. Item number 3 is to authorize negotiation and execution of a loan agreement with the foundation communities for \$4 million for a mixed income multi-family rental development to be located near the northwest corner of philamena street and the Robert Mueller municipal airport redevelopment area. Item 4, negotiation and execution of a loan agreement -- sorry, item 3 is negotiation and execution of a loan agreement with sagebrook. Item 4 was the foundation communities item. The sagebrook item is a loan agreement in the amount of 1.5 million for a mixed income multi-family rental at 1800 south ih-35 south frontage road.

[10:33:46 AM]

I can offer these on consent. Items 3 and 4 are the 9% tax credit items that were awarded for the city of Austin.

>> Mayor Adler: Thank you. Is there a motion to approve those items on consent? Mayor pro tem.

>> Tovo: Yeah, I'd like to move approval. I'm really delighted the two projects that we're approving loans for today are within district 9 and I think they will be very welcome additions to the housing we have within district 9.

>> Mayor Adler: Motion to approve these items on consent. Councilmember pool seconds that. Any discussion of these items? Let's take a vote. Those in favor of these four items? Those opposed? Those abstaining? Ms. Troxclair abstains. The others voting aye. All four items pass. We can then adjourn our meeting of the Austin housing finance corporation.

>> Thank you, mayor.

>> Mayor Adler: Thank you very much. That pulls us back into our regular meeting post-recess. It is 10:34. That gets us to processing the items on our consent agenda. Ms. Houston, you pulled item number 6.

>> Houston: One question, how much was the cost of the remediations in fiscal year 2016 for the lead abatement? How much did we actually spend?

>> Mayor Adler: Okay. Is staff here to speak to this? Yes.

>> Good morning. The question was in terms of how much have we spent on the current contract on remediation of asbestos, correct?

>> Houston: Correct.

[10:35:46 AM]

>> This is a new contract we're seeking to get and I'm going to have to delegate that response to the owner of the contract to provide that information in terms of the amount spent to date on the existing contract.

>> Houston: Let me explain. I'm asking for how much did we spend in fiscal year 16, 15, how much have we spent in those years, not about this contract, but how much do we usually spend on asbestos removal?

>> I understand. I'm going to pass that over to building services department.

>> Good morning, Dan Dean, building services. Ma'am, we spend roughly, to your question, we spend approximately \$2 million. That's split between us and Austin energy.

>> Houston: 2 million.

>> Yes, ma'am.

>> Houston: And this is -- and that's for every year that we've had a contract of this sort?

>> Well, it's fluctuated over the years, but yes, ma'am, on average that's about what we spend. Based on need.

>> Houston: Thank you. That's all I needed to know.

>> Mayor Adler: Okay. Is there a motion to approve this item number 6? Ms. Houston makes that motion. Is there a second to that motion? Mr. Flannigan seconds that. Any discussion? All in favor say aye? Those opposed? It's unanimous on the dais. It passes. Ms. Houston, you pulled number 9.

>> Houston: Yes, this is for Mr. Scarborough. I see him in the back. When will we develop some minor and women owned business goals for construction management projects? I notice this didn't have one. There were those allocated during the pre-construction of the design phase but not in the construction phase because it's a different kind of construction. So --

>> Good morning, Rolando Fernandez.

[10:37:46 AM]

This falls under my area of responsibility. So there are goals established for this contract. The goals were established I think it's .69 for the pre-construction phase services, this is for this part right now. Only \$30,000. As we complete the pre-construction phase services which we're asking the contractor to work with the design firm to look at -- about 70% done with design documents and so we're going to be asking the contractor that we're recommending today to work with them to do construction review. When we finish that phase we're going to work with smbr to establish goals for the remaining authorization, all right? And so those goals will be required that either the contractor meet the goals or demonstrate good faith efforts. So we'll look at the -- the entirety of the scope, based on that entirety of the scope we'll look at establishing goals and the contractor will be required to either meet them or demonstrate good faith efforts and that's us working with smbr to establish those goals for the next phase of the project, for the construction portion of the project.

>> Houston: Will that come back to us? This has been an ongoing concern of mine.

>> It will not come back to council in terms of the contract. This contract -- we're asking for the full authorization. However, I'm more than happy to put a memo together to share with you all the goals that were established and the efforts that were made by the contractor to either meet the goals or demonstrate good faith efforts.

>> Houston: I would appreciate that. Thank you.

>> Yes, ma'am.

>> Mayor Adler: Is there a motion -- Ms. Troxclair.

>> Troxclair: Just a quick question. I'm noticing this item was \$4 million for the construction and the previous item was \$3.22 million for design. Is that -- that's the total of both projects we're spending almost as much on design as construction?

>> No, ma'am. Item number 8 you are references in terms of design, that's the contract for the entire design work, construction oversight they provided for the entire at the town lake park.

[10:39:53 AM]

Number 9 is just one component of the overall improvements for the area.

>> Troxclair: Thank you.

>> Mayor Adler: Okay. Is there a motion to approve this item number 9? Ms. Houston. Is there a second? Ms. Troxclair seconds it. Discussion? Those in favor please raise your hand. Those opposed. Unanimous on the dais, it passes, thank you. That gets us up to item 22. Mayor pro tem, you pulled this one.

>> Tovo: I did, mayor, thank you, and we may have individuals to speak.

>> Mayor Adler: We have four.

>> Tovo: Great. If I could just make some comments and then we can determine how to proceed with our speakers.

>> Mayor Adler: If you want to make your motion I'll recognize you for the comments. So the speakers know what you want to do.

>> Tovo: Sure. I'm going to move that we postpone this item until the August 17th council meeting. And if I get a second, I'll be happy to explain why.

>> Mayor Adler: It's been moved to postpone this to August 17th. There's a second. Dr. Alter seconds that. Mayor pro tem.

>> Tovo: So this site was a subject of a lengthy negotiation with surrounding residents as well as the neighborhood association and it resulted in -- it resulted in some legal agreements including a restrictive covenant that many residents in the area believe prohibits commercial traffic on Eva street. And in the last couple months as the hotel has moved through the process, we've gotten, my office has received numerous phone calls from residents who have concerns about the fact that the alley behind the development has been closed to traffic. That's currently where the traffic had been going in and out to the businesses on this -- on this site. And so there have -- I have received a lot of concerns. It is relevant to the matter before us today because we're being asked to allow for encroachments on the right-of-way that would allow that project to proceed in its current design form and its current size.

[10:41:56 AM]

And so I would like -- given that we have received lots of calls, I know our transportation staff and our development review staff, our site plan review staff have expressed a willingness to participate in a meeting with the residents and the applicants representatives, I would like that time to sit down and talk about whether there are any opportunities there to perhaps mitigate some of the concerns with increased traffic on Eva street or whether it can be redirected back to the alley as, again, as many neighbors believed was the intent and the purpose in part of the restrictive covenant.

>> Mayor Adler: Thank you. Any comments before we go to the speakers? Then let's ask the public to weigh in. Jerry Perales, Ben Carter, Joshua Hogan. You have three minutes.

>> Jerry Perales. Thank you council and mayor for your time. I'm the engineer on the project and I have been involved for a few years. In fact, we have met with the neighborhood and the neighbors that are in question on Eva street. I believe the design that has come up was after a nta, a neighborhood traffic analysis that showed that Elizabeth street is already at capacity. So if we put another driveway on there,

it's going to cause more cueing on Elizabeth and potentially even down Eva street. So I think that the transportation part of this conversation is -- is operate from the encroachment agreement and the overhang agreements -- separate -- being addressed to address commercial design standards. Our entrance and exit to the building, especially the one already existing, is not going to be part of the design of the project that we're doing now. And I would love to be able to bring up the architect to show what he have and he's also signed up to speak as well and has a presentation that can show the building and access and if you have time for that as well.

[10:44:05 AM]

>> Mayor Adler: Questions? Thank you very much.

>> Thank you.

>> Mayor Adler: Next speaker is Ben Carter. Joshua hogan is on deck.

>> How are you all doing? I didn't know I was going to be speaking today, but I think it's important to be aware that -- the balconies are what's being discussed here today and that's -- that should be it. Subchapter E of the city code, and Josh will talk more about this, but encourages shade for walkways to increase pedestrian-friendly areas. Let's see. We are -- the contractor of this core construction and this is not the most efficient building, as I think we'll all tell you. We could have packed a lot more rooms in here and we've had consultants come in and, you know, tell us that it's not efficient enough and they wanted P tacks in the window which are loud and unsightly and rob was against that. He wants this to be a beautiful building and is willing to pay extra to ensure this does contribute to the south congress area. And I think he's, you know, he's trying to be a good neighbor to south congress. So thank you.

>> Mayor Adler: Thank you. Yes, mayor pro tem.

>> Tovo: Sir, if you would just one more minute. Thanks. It's my understanding if you don't receive the discretionary approval from the council today or on the 17th to -- for this encroachment agreement, that the project could still go forward. You could still have balconies, but you would need to scale back the hotel and have a fewer number of rooms. Is that accurate?

>> Well, I mean you could scale back the hotel and still have balconies or you could chop the balconies off and you would just have rooms.

[10:46:15 AM]

If Josh gets to show his renderings of the building, I mean just a straight face it's going to look much taller than it is, it's not going to look as residential, it will be an uglier building.

>> Tovo: So it's a design element, and I appreciate your explaining that, but it's also a matter of -- it also impacts the capacity -- it impacts the number of hotel rooms you can have which is related to the number of cars that will be going on and off the site which is why I think this is relevant discussion to where the cars are coming whether on the alley as the commercial traffic has been doing for the last decade or whether it's on Eva street which is a small residential street, neighbors some of whom have been living there for decades.

>> Rob has done two -- I mean he was required to do one traffic analysis and did another one at the request of the city. And both -- I mean we talked to the traffic reviewer and he was in agreement that Eva street is the best place. It's the only one under capacity currently, even on weekends. The design of the hotel, there's a huge courtyard that doesn't have rooms in it. There's lots of meeting space and it's just -- could have packed a lot more rooms in there and chose not to.

>> Tovo: Thank you. I'm trying to -- you had sort of raised the question of why these are related and so that's my explanation of why they are related.

>> Thank you.

>> Mayor Adler: Joshua hogan. Is rob lippencot here? You have six minutes.

>> [Inaudible]

>> Mayor Adler: I'm sorry?

>> [Inaudible]

>> Mayor Adler: Yes, you can. We have three minutes of donated time so you have six minutes.

[10:49:11 AM]

>> Joshua hogan, we're the project architect for this project. I would just like to run through a few quick key facts about our project. So we're proposing a three-story mixed use

[inaudible] Of a variety of public amenities on the ground floor. That will include restaurant and public spaces as well as public courtyards. The project is approximately 89,000 square feet. That includes three levels of below-grade parking. We're actually only required to have 44 parking spaces and we've exceeded that number with 92 total parking spaces. The project will have neighborhood retail space and we have 35 rooms planned for this project. So I think the question is how do we comply with the land development code. So I'm sure many of you are familiar with the subchapter E design standards, and we believe that this project adheres to those standards by providing a pedestrian oriented project that

relates to the atmosphere of south congress. So as you know, there are many pedestrian-friendly projects on south congress, there's south congress hotel, there's also a number of food trucks and retail spaces. And the general intent of subchapter E is to develop an environment that is aesthetic, sustainable, enhances the atmosphere of Austin which is unique and vibrant. So we're proposing to build a project that adheres to those qualities and create a unique and pedestrian-oriented project.

[10:51:11 AM]

One of the primary reasons for the balconies is provide shade and shelter. That's a requirement by subchapter E and we believe we've filled that requirement with the balconies. And as you can see from this rendering, the balconies also serve a variety of other purposes. They provide solar shading as the documents located on the south and west side so that will reduce the thermal gain from the sun. We live in a very hot environment so that's one of the added benefits of the balconies. It also provides an opportunity for planting along the balconies which further helps the heat island effect that we have here in Austin. These plan views show where the balconies are located in regards to the property line. The shaded blue area is the proposed balconies and entrance awnings. As you can see they are located on the west and south facades. Subchapter E specifically states that balconies are allowed in the right-of-way pending an encroachment agreement. And our three primary reasons for the balconies are, as I said, shade and shelter, the sustainability aspects, and they also provide a residential scale, a blank, unarticulated facade would fill much larger and more commercial in its design aesthetic and feel for the neighborhood. We're also going to provide public courtyards that are open to the public. These are additional amenities that are also required by the land development code. And here's a view of one of the courtyards. So I strongly encourage you to vote for this project as we believe that we adhere to the current land development code and the subchapter E requirements.

[10:53:17 AM]

Thank you.

>> Mayor Adler: Thank you very much. That gets us back to the -- to the dais. Is there additional discussion on the dais? Mayor pro tem.

>> Tovo: Again I'll just reiterate we have heard from residents in this area, and I believe it would be worth taking the additional two weeks to try to facilitate a meeting between our staff and the developer representatives and the engineer and the architect to see whether there are other options that can be considered in this circumstance.

>> Mayor Adler: Okay. Ms. Pool.

>> Pool: I have no problem giving the additional two weeks so that those discussions could continue. Do we need a motion?

>> Mayor Adler: It's been moved and seconded. There's a motion to postpone this until August 17th. Any further discussion? Ms. Troxclair.

>> Troxclair: I guess I didn't understand from the speakers what -- if they were opposed to the [inaudible] Or if the postponement would cause any issues. Is there somebody that could speak on that?

>> So we are currently in for a building permit and this is the last remaining item that is required for a building permit. So it would have an effect on our construction schedule and it would actually cost rob additional money. He's been heavily invested in this. It's not like we're at a conceptual phase. We've been working on this project for a year and a half and so this is what the project is at this point.

>> Mayor Adler: So usually in these situations -- sir, usually in these situations, and I recognize, you know, a delay just by itself is just never good for folks that are trying to move projects forward, but we have kind of a customary tradition oftentimes on these when a councilmember asks for an additional week or two to be able to engage into conversations to be able to do that.

[10:55:36 AM]

This looks like a really good project, a hotel in that area to be part of this. But the general practice we follow on a request of a council member for an additional week or two is to grant that. I just wanted you to know that. Any further discussion on the dais? Then let's take a vote. Those in favor of the postponement to August 17th, please raise your hand. Those opposed? Mr. Flannigan votes no, the others voting aye. Just two weeks. Thank you.

>> Thank you.

>> Kitchen: Mr. Mayor.

>> Mayor Adler: Yes, Ms. Kitchen.

>> Kitchen: I needed to make a comment on item number 4 which passed on consent. I don't want to change that. I just needed to make a comment so whenever it's appropriate I would like to enter that comment in the record.

>> Mayor Adler: Okay. Why don't you go ahead and do that if you want to.

>> Kitchen: Okay. For my colleagues, item number 4 relates to the engineering services and the engineering review that's occurring about the -- on the Barton springs road bridge which goes over

Barton creek into zilker park. So what we just did is fine, I don't have a problem with what we just did which had to do with authorizing the next phase of the engineering study, but I want to make a note for everyone that -- that I will be requesting that -- that we receive at the appropriate time a briefing at the work session. My concern is that part of the engineering is looking at major changes to that bridge and is looking at transportation needs, and I want to make sure that we also are looking at the needs of the park. We don't want to -- from my perspective, we don't want to change that, widen that bridge such that it increases the level of traffic through zilker park, and I want to make sure before we get to a point in our design phase that that is what the only option on the table is, that we have that discussion with the council and we also provide for community input.

[10:57:42 AM]

So this is just to let everyone know that I'll be requesting a briefing with those two things in mind. Thank you.

>> Mayor Adler: Thank you. Are we ready to go at 11:00?

>> Yes.

>> Mayor Adler: It's 11:00. I'm going to call up the time certain item, which was item number 56 and recognize councilmember Flannigan.

>> Flannigan: I'm very excited to offer this resolution to honor a very important former city councilmember and a 40-year resident of district 6. Councilmember Burrell Hancock served on Austin city council from 1971 to 1975. He worked on many important issues during his tenure on council including improving living and working conditions in east Austin, initiating a street paving policy known as the Hancock's paving policy which curbed, gutted and paved roads throughout the entire city. And he worked tirelessly to innovate and equitably distribute water and wastewater facilities throughout the city. In addition to his great policy accomplishments on the council, Mr. Hancocks is also a leader and pioneer in our community. Notably as the first African-American member elected under the council manager form of government, councilmember hancocks paved a path for so many, many month are here today with us in the chamber. It is truly an honor to have him here today and recognize his accomplishments through the renaming of the water treatment plant located in district 6. Thank you, Mr. Handcox for all you've done throughout your life for Austin and for making such a difference for our community. With that I move approval of item 56.

[10:59:42 AM]

>> Mayor Adler: There's been a motion

>> Mayor Adler: there's been a motion to approve.

[Applause]

>> Mayor Adler: sir, why don't you come on down. While he's coming, is there a second to this motion number 56? Councilmember Houston, I'll recognize you

>> Houston: Thank you. I'd like to second this -- that motion. And as Mr. Hancock comes forward, I want to say to everyone in this chamber that I met councilmember Hancock and his family in 1968, when we both were a part of the IBM family here in Austin. He was the kind of person who cared about his family, the IBM family, and the community at large. And when the time came under the unofficial gentleman's agreement he agreed to serve his community and his peers turned to him for that kind of leadership. He was the first African American elected in 1971 under the management of federal government and he was present on January 6, 2015, when I was sworn in as the first African-American elected under the district representation. Councilmember, I stand on your shoulders and I so much appreciate all you have done for this community. Thank you so much

>> Mayor Adler: Welcome home to the city of Austin council chambers.

[11:01:45 AM]

>> Thank you, mayor.

>> Mayor Adler: Would you like to address us? Yes, sir, please.

>> I feel so honored to be here today and to receive the remarks that I just did. I thank you all for your participating in this proclamation. My thoughts are basically that I will always -- maybe not always, but for a long time to come have some connection with my service on the city council board, with this proclaiming. I know I will stand tall -- it will stand tall in our district and I do thank you very much. Thank you, all. Man, I feel like there's so much to say. My oldest son, my youngest son, lots of friends in the audience. By golly, I left out -- I see some more. My granddaughter. Lots I would like to say, but let it suffice to say, thank you, thank you, thank you. I appreciate you very much for your honor. Thank you.

>> Mayor Adler: You honor us, sir. Thank you.

[Applause] All right, council, let's see if we can work our way through the -- I'm sorry. We need to vote. That's an important part of this. It's been moved and seconded to initiate the naming process. Any further discussion? Those in favor please raise your hand. Those opposed. It is unanimous on the dais.

[11:03:46 AM]

[Applause] 41. Those will be the next two we take up.

>> Houston: Okay. Hold on. Thank you, mayor. We had during citizens communication earlier today some questions about the animal services, and so if there's someone here from the staff, I'd like to make sure that we get some -- at least some answers to some of those questions.

>> Hi, assistant city manager, and today I have acting director of animal services, Leanne, and she's here to answer your questions.

>> Houston: Thank you so much. You may not know, but I'm always asking about minority-owned, women-owned businesses, and so I know some minority-owned veterinary clinics and I'm wondering why were there none that have -- were there non-that replied to the solicitation? Because I know we have some.

>> This is Leanne's first time up here and I'm helping her so she can get acclimated. Veronica Laura will probably be the best one to answer that and then Leanne can chime in.

>> Veronica, director of small minority businesses department. I apologize. I anticipated your question would be about goals. I'm not sure if there's any minority-owned businesses that responded as primes but I will find that information out for you. If our purchasing officer is in that room he might be able to have that answer quicker.

[11:05:47 AM]

>> Mayor, councilmember Houston, this particular item was requested as a professional service exemption so based on the experience that the -- that the department has had with this particular service for a number of years and the expertise that this particular organization developed over the years that the department requested a professional service exemption so there was no competitive process in this regard.

>> Houston: So how do we know if we're getting the best bang for our buck if we use the same people over and over again? And don't put out a bid for solicitation? And how long has this contract -- how long have we used this provider?

>> The actual experience with the contractor, I believe the department can respond to, but our of experience with this particular contractor. The only way to know, to answer your question about how we're getting the best bang for our buck is to compete it but state law does allow us the ability to

request exemption, waive competition for professional service procurement, which this would fall in that category.

>> Houston: I appreciate that, those comments. Regarding this \$100,000 contract, are there performance measures associated with this so we can determine how many animals are surgically helped or neutered or whatever you're doing with the money? Since I don't know what we're doing with the money so --

>> Yes. This contract allows us to provide a higher level of expertise for animals with very specialized needs. One of the things that's unique about this contract is these are board-certified veterinary specialist who come to the shelter to perform the services which reduces our costs because we're not transporting pets to specialty clinics. They use our tacks and equipment. Basically we're using their expertise and skill level. The performance measure that this is going to directly impact is the center's live release rate.

[11:07:52 AM]

There are about 200 animals every year that are directly served through hands-on services provided by these contracts. We have about 2,000 emergency cases overall and these vets also work with our shelter vets on staff to provide consultation for some of those animals' cases. So based on that consultation, we may decide that our shelter vets do have the expertise to be able to perform that service.

>> Houston: So do y'all keep data regarding that so that we can see what kinds of surgery is being performed or what zip codes the animals are coming from that you're performing -- what kind of data you do keep to make --

>> So the key performance measure is our live release rate.

>> Houston: But that's different. That's at no-kill -- that has something to do -- this is only about veterinary contracts. And what we do with those contracts, with that hundred thousand dollars every year.

>> So the contracts allow us to utilize specialty veterinarian services at our shelter. So we have four shelter vets on contract -- excuse me, on staff at the shelter who provide some basic emergency care and support for animals in the shelter. There's another population of animals who come to us that need specialized care. So this could be soft wound repair, it could be an amputation, orthopedic surgery for broken bones and utilizing these board-certified vets allows us to provide for those population of animals.

>> Houston: I think I would like to see what those break-outs are and what that costs us.

>> I also have our shelter vet, Dr. Linda here with me. So if you had detailed questions about how we provide those services, she might be able to answer those.

[11:09:52 AM]

>> Houston: I appreciate her being here. I just need to know what those services are and have data to support this hundred thousand dollar ask. Is this hundred thousand dollars coming from the donation fund? Where is this money coming from?

>> This money comes from the donation fund.

>> Houston: From the donation fund. What is that amount in that donation fund about now? Do you remember?

>> The donation fund allocations for this year I think were around \$300,000. And the projected donation fund budget for next year is similar.

>> Houston: So is spay and neutering a part of what the vets do when -- because I heard the speaker talk about the cats were being released unneutered or spade, whichever one it is for cats. Is that one of the procedures that occurs at the shelter?

>> Yes. Our shelter vets perform spay/neuter surgeries on animals at the shelter who have either been surrendered to us or stray animals that aren't reclaimed. So if they are medically sound for surgery, they're spayed and neutered. We also provide spay and neuter services through some of our community partners, including Austin humane society and advance a pet for other populations of animals, through our contract with emanci pet, free and -- spay and neuter services to residents of Travis county, Austin humane society provides spay and neuter services for community pets.

>> Houston: I didn't have a whole lot of information about that and I would encourage you all the next time, there are other mobile veterinary clinics that travel around and we might be able to get a better deal if there was some competition so I would just encourage you to think about that and then just more data about what is it we're doing, how many dogs we're doing it to, how many cats, so next year we'll have some data to support that.

[11:11:58 AM]

>> Yes, we can do that.

>> Houston: Thanks.

>> Mayor Adler: Yes, Ms. Kitchen.

>> Kitchen: Just two quick questions. One of them is a follow-up item. I would like to understand better what the purpose of the donations fund is and what it's used for in the scope of what it could be used for. So I'll submit some budget questions related to that. And then the second item -- and this maybe a policy issue that needs to be discussed at a later point, but one of our previous speakers had a question about releasing kittens on the street after they're spayed or neutered and so I'm going to want to understand better what that policy is because there appears to be some concern about risk to those animals. I'll send you -- I don't know if you can answer that briefly right now, is it a policy, or should we just -- if it's more detailed answer, I can submit a question.

>> I think to really delve into the answer would require more time, perhaps a different Ven view, but the program is through partnership with the Austin humane society, it's a component of the no-kill plan, and the population of cats that it is targeting are animals who are deemed by our veterinary staff to be thriving in the community where they were found.

>> Kitchen: Okay. I'll follow with more questions. I think the concern is the size and age of them. So okay.

>> Mayor Adler: Okay. Thank you. Is there any further comments? Is there a motion to approve this item 39? Ms. Houston makes that motion. Is there a second? Mr. Renteria seconds. Any discussion? Those in favor please raise your hand. Those opposed. Unanimously in favor. It passes. Ms. Houston, item 41 you called.

>> Houston: This is a quick one.

[11:14:00 AM]

Can you tell me the seven locations of the mobile market. We had a number but there was no information about where they are.

>> Phil Wong and health authority medical director for Austin public health. Yeah all of the locations are in high rates of food insecurity. The current ones I know St. John's, kipp, 78724, horns by Dunlap elementary school, southeast health and wellness center,

[indiscernible] Community library are the six that are currently in operation.

>> Houston: So I didn't hear of -- you know, what the problem is east of 183, right? East of 183, lack of health care access, so I didn't hear anything in that area.

>> Oh, no. All of those are in that eastern crescent.

>> Houston: In the eastern crescent but in the north and southeast and there's food insecurity near colony park, Boston's colony, so those are the areas there's no -- is there a reason why they can't be mobile in some other parts of the eastern crescent?

>> We can certainly explore that in the future. We tried to identify the areas with the highest areas of food insecurity and match that, but, no, absolutely, that is the goal and intention for all of these mobile markets.

>> Houston: Okay. Thank you.

>> Sure.

>> Houston: I move adoption.

>> Mayor Adler: It's been moved adoption of this item 41. Is there a second? Ms. Pool seconds that. Any discussion? Ms. Garza.

>> Garza: I just want to thank our staff for continuing this partnership. It's -- as we continue to try to do all that we can to address this food desert issue, these programs have been really successful. The sustainable food center also has some mobile markets that -- the ones that I've been to sell out before it's over.

[11:16:02 AM]

So, you know, this is just a tiny part of the -- pardon the pun, bite, at trying to address this but I'm grateful we've been able to serve these families we hear nothing but positive feedback about this.

>> Mayor Adler: Okay. Any further discussion? Those in favor please raise your hand. Those opposed. It's unanimous on the dais. Item 41 passes. That gets us to item number 49 mayor pro tem.

>> Tovo: Yes, I have questions for our staff about this. This is prepaid event, so it's a street closure permit for which we are getting \$200 in fees, and the fees per -- urgency I'm not aware of this event, don't know very much about it, but what caught my eye is the city is getting the fee of \$200 to close down this portion of 2nd street and the tickets for this event are really quite expensive, \$50 and \$75 so I really have to ask the question on behalf of the many people who use this area what -- what is the community benefit of closing the street for this period of time for an event that will serve, you know -- it is exclusive and will serve those who can afford to pay \$50 to \$75 to gain access to it. That is, you know, after all the conversations we've had about street closures and, you know, making sewer that we keep -- sure that we keep, especially our downtown but other areas as well accessible to the businesses who are there and the people trying to access those businesses, as well as people who work or live in those areas, I just -- I need some help understanding the staff rationale for this one.

>> Thank you, councilmember. Robert spillar, Austin transportation department. The street closure is part -- our part of the Austin center for events closure program.

[11:18:08 AM]

Let me respond to this. You are correct. There is a \$250 standard event application fee. There's \$200 for the street event permit fee. But because this is a paid event we also -- the city also received 4.5% of the entry fee at the gate so there is a larger percent of the revenue that comes back to the city because they're using the right-of-way. The specifics about this event is it's to encourage public awareness of the restaurants in that area, the second street district, to make sure that it's a healthy environment. We don't evaluate the exclusivity necessarily of the event when it's brought to our attention. They apply just like any other event. I have Betty torres here, if she can add some additional information about the event, but it is a restaurant event to encourage notification or awareness of the restaurants in the second street district, and we do generate the revenue of 4.5% per entry fee. Is there anything else you can add?

>> In addition to that, Betty George, transportation department, the sidewalks and the crosswalks are all open as well it's an inviting event. It keeps it open to all that want to attend as well. Thank you.

>> Tovo: Ms. Torres if I may ask you a couple questions. The closure then is not allowing cars to go down, people can access the sidewalks but I guess I'm wondering since those are second street restaurants -- since those restaurants are on second street, why do we need to close second street to promote the restaurants? I'm not understanding what's taking place in the street that really requires a street closure.

>> As part of the event they'll actually be putting tables out into the street right-of-way and so they'll be creating a public plaza area for expanded dining and experience on second street.

>> Tovo: I see.

[11:20:08 AM]

And generally I think that's a nifty idea of creating those kind of public plazas on our streets for small moments, a day, an evening, but to me, you know, again, a high -- a ticketed event with such a high ticket price is not in the spirit of that. As I understand, this corroborate postponed because it's -- cannot be postponed because it's happening this weekend so I think we're out of options frankly on this one. As we think about the event ordinance, I think that this requires some revisiting. I'm supportive of closing the streets when there's a significant community benefit. I'm not certain that I'm really seeing one in

this case. But, again, I -- obviously a lot of planning has gone into this and with our July break I assume this is as early as they could come forward so --

>> Yes, ma'am.

>> Tovo: I'll leave it at my comments here today.

>> Thank you.

>> Tovo: We just need do some better balancing, I think, of public and community benefits versus private ones.

>> Mayor Adler: Okay. Thank you. Yes, councilmember alter.

>> Alter: Sorry, I'm getting used to being down here. So I had -- I'm not sure if my question is for you, Mr. Spillar, or special events in general. I have asked a question in the q&a about the public safety costs. One of the things that I'm trying to understand are the costs of special events to our public safety departments and whether the special events are paying for any services that we have to render that would be in addition to what we would ordinarily do. I didn't see anything listed other than the safety inspection there in answer to my question, which was very specific about public safety and maybe because this is a white linen exclusive event with tables there may not be, I don't know, but it seems add to me that closing a street like this all day does not create any need for any particular public safety response.

[11:22:17 AM]

>> Yes, ma'am. So the fees for public safety, whether they be police or fire are generated separately under a different fee structure. This is the only one that I believe we needed to come for approval of, and so that's not why it's in here. But those costs are calculated separately and permitted separately so I can't tell you what the cost is, but I know that there is a cost that is being covered by the event. That's my understanding. Also, the event will provide its own security for whatever activities they be are needed in terms of their own internal security.

>> Alter: I would -- again, I agree with councilmember tovo that we're not going to hold up this particular one and my question is not so much specific to this one, it's a broader question, but I did specifically ask in the q&a about the public safety implications of this, and so I hope somebody can get back to my office with an answer to that question so that we can continue to grapple with this issue.

>> Councilmember, I'll follow up with those other departments and provide that information for you.

>> Alter: Great. Thank you. Appreciate it.

>> Mayor Adler: Yes.

>> Tovo: I'm sorry. I found they'd a couple other questions. So the reason -- I just want to clarify the reason that this is coming before council is because we currently have a moratorium on street closures in the downtown area. Is that correct? Or is there another reason why this is before us?

>> No, ma'am. It's because it's a gated fee.

>> Tovo: Okay and those always come --

>> Those always come to council.

>> Tovo: Thanks for the clarification.

>> Yes.

>> Tovo: Do we have an opportunity probably -- at this point I understand we don't but in the future would we have an opportunity to increase that fee for a fee -- and have the fee for a street closure be tiered based on the ticket price?

>> Sorry, councilmember.

>> Tovo: Sure.

>> That in fact is part of the evaluation for the new special events ordinance.

[11:24:18 AM]

>> Tovo: Okay.

>> It is not a capability that I think we have right now.

>> Tovo: No. I understand we don't have it right now. And I know we have the ability and that's part of the intent of the new special events ordinance. I wasn't sure how much that translated to street closures, if we have the ability to set those fees based on the price of the ticketed event. We can --

>> Councilmember, I'm not sure it's based on the price of the ticket. I think it's based on the level of intensity of the event, but if that's -- obviously that ordinance is still in process.

>> Tovo: Right.

>> -- Of being made so if that's an item direction from council, we can certainly include that in that concept.

>> Tovo: Yeah. Again, I'm going to support this today because the event is happening this weekend and we have no other reason -- I'm going to push for in our special events ordinance that we really look at those fees that we collect and have them be reflective of the ticket prices.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: Is this a nonprofit event?

>> I'm not sure how to answer that. It's for the second street district. I don't know if they are a nonprofit business organization or not.

>> Troxclair: Okay.

>> I don't believe it's for a charitable event.

>> Troxclair: Okay. I thought -- I thought when I googled it the other day it said -- it mentioned something about charity. But to mayor pro tem tovo video's question about the percentage increase --

>> I'm sorry, councilmember.

>> Troxclair: That's okay.

>> It actually benefits the Austin food and wine alliance, and so it's a I assume that's a 501(c)(3), and last year it benefited the sustainable food center so they do pick a charitable organization to sponsor.

[11:26:23 AM]

>> Troxclair: Thanks for that clarification. I thought I had seen something about that. Do we always charge what you mentioned a 4.5% fee on ticket -- so we're getting 4.5% of all tickets sold?

>> Right. If there's a gate fee we charge 4.5%.

>> Troxclair: Doesn't that mean if ticket prices are higher we kind of are collecting more money based on the ticket prices for the event.

>> 4.5% of a larger number is a larger number, yes, ma'am.

>> Troxclair: Is it just for street closures we do that? I hadn't heard of this.

>> The way the ordinance reads, councilmember, is a gated fee event, where they require a permit, yes, the answer is --

>> Troxclair: Requirement for street closure?

>> Is it just street closure? It's a -- yes, ma'am, it's a street closure where they occupy the right-of-way. That right-of-way is the full right-of-way, whether it's the street or the sidewalk or whatever.

>> Troxclair: Okay. Thanks for clarifying.

>> Yes.

>> Mayor Adler: Okay. Yes, councilmember pool.

>> Pool: I don't know if Lucia has the answer, Ms. Athens or maybe staff does. What is the percentage of the portion that will be given to the nonprofit?

>> I do not know that answer, nor does Lucia, she says.

>> Pool: Okay. It might be of interest to us, just send it when you can.

>> Okay.

>> Pool: I was leaning toward voting no on this for many of the reasons that mayor pro tem had raised. I recognize that this is this weekend so I may just abstain on this vote.

>> Mayor Adler: Okay. Is there a motion to approve this item number 49? Is there a motion to approve it? I'll make that motion. Is there a second? Mayor pro tem seconds that. Any discussion? Those in favor please raise your hand.

[11:28:25 AM]

Those opposed. Ms. Houston votes no. Ms. Pool abstains. Others voting aye. This item passes. Thank you.

>> Thank you. That gets us then to item number 51. Ms. Houston, you pulled this one.

>> Houston: Mr. Spillar, don't leave us. Okay. We had some conversation about this in work session the other day, but I have some real concerns about out of state consultants when -- even though some of the in-state consultants didn't score as well on the matrix, they have more knowledge of Austin and it seems as though we are paying for consultants to come in and do business their way rather than come in and think about the nuance of Austin. So can you help me explain how that works when people come in who have limited experience working in Austin?

>> Rolando with the capital contracting office. In our professional service procurement process we don't allocate points for, you know, local or even state of Texas firms. How we capture the ability for a firm to give us their experience and knowledge on local issues is on the criteria item where we talked about your experience with the Austin permitting process, your experience with the Austin environment, your

experience with the Austin community. And so if I can refer you to the attachment in the backup of the rca, let me know when you're there. Okay. If you want to look at item number 7 on the matrix. So we allocate points within that area of responsibility for firms to be able to demonstrate through a written process their experience with Austin, right?

[11:30:30 AM]

And so what we try to show there is obviously if a firm has done work with the city of Austin before, if a firm is -- from the local area, has a primary office or

[indiscernible] Office within this area, maybe a smaller office, staff here, then their knowledge about the Austin environment will speak for itself in terms of how they score within this item. That is the only area within our process where we're able, based on state statute requirements, where we are able to ask a firm, firms, their experience with the Austin area and even provide some sort of point for how they demonstrate their experience with the Austin environment.

>> Houston: Okay. So while we're on that page, so tell me exactly what item number 1 means, if there's a yes in there. What does that mean? Because I've been asking about minority and women-owned businesses all day, so what does that yes mean?

>> That's a great question. Item 1 is we call it a gate question. What that means is you either have to meet the goals or you demonstrate good-faith efforts. If you do one of the two items you're able to move forward in the evaluation process. We will evaluate your submittal. If you do not meet the goals and you do not meet the good-faith efforts as evaluated and certified by the smbr department, then you will not move into the evaluation process. So we don't give points based on your participation in terms of allowing other firms to be part of your team. We just say either you meet the goals or demonstrate good efforts and then we'll consider your evaluation. We'll evaluate you. If you don't do either of those things you're not moving forward in the process. So that makes it in my opinion a little bit more stronger to say we want you to meet the goals, if not we want you to demonstrate good-faith efforts we'll lieu --

>> Houston: So the two firms that you're recommending, they've met the goals, they've moved forward. Do they have any minority or women --

>> I want to -- in this case, ma'am, there was no goals associated with this solicitation.

[11:32:34 AM]

And let me speak to that, and I'll ask Veronica to --

>> Good morning, council. Veronica, director of small minority business resources department. On this particular solicitation we did not set goals. This is a single scope, augmenting staff so we evaluated the scopes of work and there was one scope. That is why we didn't set goals. In this does he where we have not set goals that question -- that category one or item 1 that Rolando was referring to we then look to see to make sure they didn't subcontract anything out and if they did subcontract anything out to make sure they went through our mbe and WBE process. In this case they didn't subanything out. It's 100% with the recommended firm.

>> Houston: Do they have any minority participation in their firm or is it all white males?

>> I don't know the diversity of the actual firm and I don't think it was considered.

>> Houston: I'm sure it wasn't considered. That's one of those things, is that we don't set goals, we don't require, because it's a single source solicitation or whatever those words were you just said, but we still are not trying to -- we're not trying to develop our own group of folks here who could perhaps, like the number 3 person on the matrix, could in fact have participated in this. But there's no way because we don't set goals in anything. So it's very frustrating for me to have to come here every Thursday and look where there's a sole source so the state law says we don't have to and I know there are minority contractors out that would like to be able to at least be subprimes if they couldn't be primes but there's no opportunity for that to happen in this he does.

>> So let me clarify a -- tool design group is actually a women-owned firm out of. They're not certified as a WBE with the city of Austin. When we did learn they were a women-owned firm we have reached out to them for certification. That's going through the process right now. I'm not sure if they chose to apply but they are a woman-owned firm.

[11:34:37 AM]

>> Houston: Okay. Thank you. Could we note that someplaces if -- so that I won't have to ask the question?

>> Yes, we will work on language for that. We do note it when they're certified. It's just because they're not certified with the city of Austin, but I'll work with the contracting staff to see if --

>> Houston: It would be helpful to know we're looking outside of just the traditional contractors.

>> Absolutely.

>> Houston: Okay.

>> Mayor Adler: Thank you. Is there a motion to approve this item 51. Councilmember Garza, seconded by councilmember Flannigan. Discussion? Those in favor please raise your hand. Those opposed. Ms.

Houston votes no. Others voting aye and mayor pro tem is off the dais and councilmember troxclair voting no. So thank you. It passes. Thank you. That then gets us to item number 57 multiply Ms. Houston, you pulled this. I think it's Mr. Casar's motion. And we also have a speaker. Do we want to hear from the speakers first? Looks like we have two speakers. Mr. King, do you want to come down and address this? Already spoke during -- since then we've had another person sign up. Julian in a Gonzalez. Is Ms. Gonzalez here in N if she comes during the discussion we'll give her a chance to peak.

>> Mayor, may I say I support this item. I didn't say that in my comments. That's all I wanted to add. I support this item. Thank you.

>> Mayor Adler: Thank you. That will take us up to the dais. Ms. Houston, do you want to talk first?

>> Houston: I just have a question about the process that goes through to get either the 4% or the 9% tax credits as far as do they go to the state first?

[11:36:38 AM]

I don't know what the process is. So I'd like -- it's a process question.

>> Mayor Adler: Okay.

>> Kitchen: Mr. Mayor.

>> Mayor Adler: Mr. Casar, why don't you make your motion. There are amendments people have filed so we'll get to those as well.

>> Casar: I'm going to move the item. I'm I've incorporated the amendments that councilmember kitchen put on to the message board into the motion I'm going to move. I also have done my best to incorporate the part of the conversation that I had with councilmember troxclair during the work session into this, but it's different than what she posted on the message board so I'd like to explain that. I'd just like to move the resolution as I just handed it out, which is the resolution as posts with councilmember kitchen's amendments and then with what I believe I tried to lay out in response to councilmember troxclair's questions.

>> Mayor Adler: Mr. Casar has made a motion, which has been handed out on the dais. It's a little bit different form. We'll talk about that. It's on a white piece of paper. Councilmember Garza seconds this item. So now let's have the discussion.

>> Casar: So I'll explain what our -- what is -- what the amendments are. I have add the strategic housing blueprint as one of the city goals or plans that the fair housing analysis should be -- should take into consideration as councilmember kitchen posted on the message board. And then I have also added that these recommendations should be brought forward in conjunction with the strategic housing blueprint

implementation plan as councilmembers alter and kitchen brought up during work session and kindly posted to the message board. So thank you for that. I also saw councilmember troxclair's comments on the message board which reflected our conversation at work session, I think. The difference that I had between what I saw posted on the message board from councilmember troxclair and what the intent of the resolution was from my perspective is I want to allow the staff to consider a scoring matrix as a potential tool for evaluating fair housing on these tax credit projects without necessarily dictating specifically how that matrix be done and, also, the wording posted on the message board seems like a matrix to generally evaluate every aspect for 9% tax credits and while that's potentially interesting or important work to be done I don't fully understand what the status quo is and what we need to change on that front.

[11:39:16 AM]

This resolution was really focused on fair housing and advancing the treatment of tenants. So integration and geography as opposed to the overall evaluation of all 4/9% tax credit deals which may be work we should do. I just have not done the homework and preparation and don't know whether the council is prepared today to figure out whether we need to come up with a new scoring system for the entirety of 4/9% tax credit deals. This is more targeted specifically towards more -- getting 4/9% tax credit deals more integrated into high and moderate-opportunity areas, especially considering that we have a deal before us today that some folks have raised concerns about because it is, you know, in the etj on the edges of the city. So I've done my best to incorporate the comments at work session, very much appreciate them, and, again, will reiterate that this is a real challenge because we want to get -- we're looking in affordable housing. We want to get as many of those deals in the city as we can and with F we don't get those deals in the city we will solve our concentration of low-income housing problem by pushing those folks entirely out of the city. So it's important for us to get these deals, to address the housing crisis, while also trying to protect the tenants in these developments and getting these developments as dispersed as we can.

>> Mayor Adler: Okay. Thank you. Can someone explain the process involved in this, the higher level question about these kinds of credits?

>> Sure. For a 4% or 9% application, the statement of no objection is part of the applicant's application package that is submitted to the state. So they're coming here before they're submitting their application to the state.

>> Mayor Adler: Ms. Houston.

>> Houston: And then what happens?

[11:41:18 AM]

So they come -- so let me start. So a developer -- a developer comes to you guys and says I want to build a development using 4 and 9% tax credits someplace and you all have the opportunity at that point to say if this passes that we would like -- where you want is a low-opportunity area and we'd like you to consider doing it someplace. Are they already coming us to with their stuff firmly in hand.

>> Yes.

>> Houston: And there's no way to change it? So I'm looking for the intersections where we would be able to say, well, instead of doing it here, we would probably do better if we would put it there. Is that the kind of wiggle room --

>> Go ahead. I understand what you're saying. I'm not sure it's completely possible, David Potter, program manager. Thank you. Because of the nature of these deals, the property is not already owned usually by the developer. It's if they get approval for the tax credits that they can then buy the property. So there's just timing and availability of property and I'm not sure how much we as staff or the council can direct, you know, the applications that are coming to us.

>> Houston: About how many applications do we get a year?

>> For the 9% round, we got approximately ten. And as we've stated earlier, only three were selected. And it -- I'm taking my best educated guess on the 4%, we've done a lot more of those this year, I would say maybe ten to 12 that we've brought to you maybe in the last couple of years.

>> Houston: So the last -- oh, over the last couple of years.

>> I think so, yeah.

>> Houston: The last two that we've had have come from Travis county. Do they go to Travis county first? They do the approval and then they send it to us?

[11:43:19 AM]

>> If there is a development that's in the etj that the state rules require that they get approval from the county as well as from the city of Austin.

>> Councilmember, if I might, just to reiterate what Mr. Potter said, when they're coming us to with their deals they're largely formed based on property that they already have, you know, their eyes on and have been working on. It's not something that when they're coming us to for the statement of no

objection that we really have an opportunity to work with them to relocate that property somewhere else. Those projects are largely already put together when they're coming to us.

>> Mayor Adler: Yes, Ms. Pool.

>> Pool: Great, thanks. I wanted to build a little bit on what councilmember Houston is getting to because some of those questions that she's asking I also had. Just generally, how does this resolution, passage of this resolution, change the work that you will be doing?

>> So we already for each of these projects prepare a development profile and in that development profile we outline the amenities in the area, the demographics, we're already anticipating a blueprint analysis for how it aligns with the goals associated with the housing blueprint and now we will pull out more specifically a housing assessment. This is already provided in large part to you as part of the backup for each of these. As far as the presentation of the information we might present it in a different format, but most of this is largely already coming to you. And as far as how we present the projects moving forward, any of the 4% or 9% requests that come forward we still anticipate bringing to you. You will just have additional information to evaluate as you're considering your approval.

>> Pool: And so is there the risk that units might not be built if we -- with this resolution in place?

[11:45:27 AM]

I think I've talked about it as a bird in hand, if a developer has plans already in place, which, as you point out, are pretty far noted for our support, they have to have already assembled all the pieces so that they actually have a viable application for the state funding. Is that correct?

>> Yeah, that's correct.

>> Pool: Okay. So bit time it gets to us, with this in place, are we going to now be saying to people, we won't give you a letter of support for that 4% low-income tax credit because it's not in a part of the city that this resolution wants it to be in? Are we going to deny the application?

>> So as staff, we would be bringing them forward with information for the council to consider. I think that's a decision that will be made on a case-by-case basis.

>> Pool: Would you then recommend that we deny them if they're not in a moderate or high opportunity part of town?

>> I think it would be hard for me to recommend denying any affordable housing or at least considering any affordable housing stunts -- opportunities that come our way. With what we can with implementation of the strategic affordable housing blueprint, we want to be able to incentivize when we're spending our dollars, keep in mind these are largely not our dollars they're trying to apply. Some

of them might hope to come back to us and in the case of the 9% there's a requirement that we, you know, identify the funding that we're going to be -- to be spending, but they're going to hope to come back to us through our rental housing developer assistance funds and with those, as we look into the future at a potential next round of affordable housing bonds that might come our way and as we look at the goals that are outlined in the strategic housing plan, I think you can see some recommendations from staff that will modify the scoring rental housing developer assistance application process that will allow us to align with the housing blueprint and that might help to achieve some of the goals that we're talking about here.

[11:47:34 AM]

With geographic dispersion, fair housing, and all of that. But this is -- you know, when they're coming us to, they're baked largely.

>> Pool: Okay. And that's really good because I don't want us to be sending a signal to developers that we might be looking at changing a policy so that if they're not in a part of the city that we'd rather they be in by policy that we wouldn't support their building of units because I think, generally speaking, we need to get the additional housing on the ground. But I also recognize -- it sounds like there might be sort of a different kind of category, and that is when there's city -- say housing strike fund monies or land trust monies we can then, under this policy, ourselves say we want these to be in the high or moderate-opportunity areas of the city, so we ourselves by policy would be signaling to staff look for those parcels of land in parts of town that developers may not have already been going to. Is that more maybe kind of how this is --

>> We can try to encourage that through our criteria. I would note that we would be talking about city funds or Austin housing finance corporation fund. The strike fund is a different animal on to itself and we're not involved in making determinations on how those funds might be used. Another way we could potentially look to incentivize housing where we want it to go would be to acquire land ourselves strategically in places we think would benefit from having affordable housing and then making that available through an rfp process to folks that would be interesting in building affordable housing. So I think that we have potentially a number of tools that we can look at and make some recommendations on, and that's part of what we're going to be doing as we present our implementation plan for the strategic housing blueprint.

>> Pool: Does the city make any money on -- when we provide the bonds funding on either the 4 or 9% tax credit?

>> We do. David?

>> On 4% tax credit deals, where Austin housing finance corporation is the issuer, hfc will earn an issue we are's one half of 1% of the bonds issued, for example, on a -- plus an application fee of 5,000 and

then there's an ongoing annual monitoring fee, it's based on the percentage -- or based on the amount of outstanding bonds.

[11:50:06 AM]

So it does provide money over time.

>> Pool: Okay.

>> As well as an initial.

>> Pool: This isn't specifically on point with this one, but is on one of the projects that was discussed in an earlier item, and that's the weatherization funding that we have for both renters and homeowners. Would this half percent fee possibly be used to fund that fund so there's additional monies going for renters and homeowners to repair their homes?

>> So the weatherization funding actually comes from Austin energy. The housing development does not have any funds set aside for weatherization. We use our federal funding to do things like down payment expensive home repair loans. We also have funds through the federal government for led abatement, provided folks meet the criteria. We've used Austin energy funds in the past for the holly mitigation funding and project and home repairs. We use bond dollars for general obligation doctor our go repair program, which is \$15,000 per home, and that's delivered through a group of subrecipients. If there was funding that was available from a transfer from Austin energy or something along those lines, we could potentially add weatherization services as another, you know, thing that we can provide to our homeowners when they're getting service at the same time so they can avoid having multiple contractors coming to their house and, you know, improve our ability to serve them and minimize their administrative burden. But right now that's -- we have a partnership with Austin energy, but we're not administering any of their funds through our programs.

>> Pool: I just have one last question just to maybe ask of the maker of the resolution, if the answers that we're hearing about not dissuading development from parts of town but rather the intention is to try to locate, with our dollars, to try to have that development be in the high and moderate-opportunity but we're not going to try to stand in the way of developments that might already be underway with developers' funds?

[11:52:22 AM]

I don't know if I made that as clear Acevedo I possibly could -- clear as I possibly could.

>> Mayor Adler: Thank you. Mr. Casar, and then Ms. Troxclair.

>> Casar: Yes. If you look at the first clause of the second be it further resolved, there's a very explicit statement that we are stating a goal of increasing the total number of income-restricted units in the city while trying to also wrangle with issues of segregation, integration, fair housing act. So we have to hold both goals true, so I do not think that the goal of this is to ultimately be killing some of the projects that we're getting and ultimately getting less affordable than we could ultimately get. To both councilmember pool and councilmember Houston's questions, yes, a lot of times people are already coming with their plans, and our goal should be to try to incentivize them coming to us with plans in not -- not just in lower opportunity areas but in moderate and high opportunity areas. One way to do that is when city funding is available, but there's other incentives and tools we have. So this resolution is not just about providing the analysis but also about the city thinking through and putting together more of the tools and incentives that are possible. Right now, a lot of these projects are being driven to lower opportunity areas when they're 4% tax credit deals, one, because of higher land values in moderate and high opportunity areas. That's where bringing funding to bear could be important. But also because there's more vacant and open land, because there's more land zoned for these sorts of more affordable, multi-family buildings, and, frankly, also because -- and I could put a map up if we could, the federal government actually has explicitly stated that their incentivizing, they have a map where -- actually not that map. That's the map of higher and moderate opportunity areas, but the other map, which is almost the opposite. That's the resolution.

[11:54:23 AM]

The darkened consensus tracts are where the federal government gives a boost to projects for 4% tax credits which are largely lower opportunity areas. So we're kind of swimming upstream and that's important for us to acknowledge but to recognize how hard that work is that we are short on affordable units and we also have a segregation problem, and while those are related issues, they are separate, and we have to be trying to deal with both, trying to deal with integration and with the shortage of units. So that's why this resolution is trying to strike that balance of saying our goal is not to get fewer affordable units, but to try to both get more and get them more integrated and it may sound Pollyannaish that we care about both but we've got to do both and we've got to fulfill our obligations in the fair housing act to the best we can. The hope is can we do an analysis of fair housing on all of our projects because that matters, and then, second, can we figure out ways to set up incentives so that these affordable housing developers, be they for or nonprofit, are more likely to bring to us on the front end here's a project in a more moderate or more high opportunity area than we're getting right now. And actually if you look at some of these lower-income Ken Sus tracts the federal government is incentivizing some of them do overlap with higher or moderate opportunity areas so I think there's sweet spots we can hit and hopefully we can just ask the staff to be thinking through that as they bring the strategic housing blueprint implementation Ford.

>> If I might add it's somewhat of a moving target on an annual basis and so we recognize that thca is doing their best to provide the information when they do and we try to provide feedback to them, but that criteria can change. If you recall, this year we had three 9% projects, last year the city of Austin didn't have any because the way the criteria was structured they tended to be more in the outer areas in Georgetown projects. So we recognize that this also has to be somewhat nimble because the criteria changes on an annual basis.

[11:56:29 AM]

>> Casar: It seems like a lot of those 9% are coming in in moderate and high opportunity areas but it's the 4% we might need to be secretary up more incentives to --

>> Potentially.

>> Casar: Get to work. I also wanted to note to work that our speaker did walk in the chamber as soon as we started talking.

>> Mayor Adler: We'll get back to her in a just a moment. Ms. Troxclair.

>> Troxclair: I wanted to add to what councilmember Casar was just talking about. The 9% grants, as you guys know, are very competitive and we don't often even if we approve how many did you say? Ten of them were selected.

>> Correct.

>> Troxclair: On the other hand the 4% grants are noncompetitive grants. So the only thing that these developers need is the approval of the city. So I really feel like this resolution will probably have the biggest impact in those -- in those 4% projects. And, you know, I -- I guess I'm thinking about this as, yes, a lot of times the developers' projects are already put together when they come to us, similar to for-profit -- to non-affordable housing developments, when they -- when a developer comes before council, yeah, they already have a project, but the council sends signals about what kinds of things they want to see in these projects. They know, I think developers know right now, that if they come before us with some kind of project, mayor pro tem tovo is gonna ask about how many three bedroom units they have, councilmember kitchen is gonna ask about transit options, et cetera. So -- and we don't always have --

[laughter] We don't always have the -- and ultimately, a lot of times it helps those kinds of questions and conversations ultimately help us to understand -- to ultimately approve a project that meshes well with what the community wants in that area. So I really -- although I know y'all might be surprised to hear me talking like this because I certainly think that whether or not we should do affordable housing is one question, but if we're going to do it I want to make sure that we're doing it in the best manner possible and getting the best products for the city and -- that our money is being well spent.

[11:58:38 AM]

And I really -- this is one area that the state is really -- especially with these 4% grants. The state is asking us for help in determining what projects we want to see for our community. I think this will provide us additional information that will send signals to the development community about what kinds of projects we want to see them bring forward and ultimately if they know that we're going to paying attention to whether or not they meet these criteria -- and it's not -- ultimately, of course, they might -- maybe there will still be projects that doesn't meet any of that criteria and the council makes the decision that it's still too important to us to have affordable housing and the council approves it. But ultimately, to be asking these questions and to be requesting this kind of information I think will help us to get better projects, project applications to begin with. And I think it's helpful for the developers to know what kinds of things we're looking for. So I thank councilmember Casar for incorporating the issues I brought up at work session and I think -- although he didn't list them here, I assume as staff goes and thinks about evaluating a potential tool for creating a matrix you will think about our things like location, walkability and education and employment opportunities and amenities, et cetera.

>> Mayor Adler: Let's bring Juliana Gonzalez up.

>> Thank you, mayor, council. I'm Juliana Gonzalez, executive director of the Austin tenants council. Sorry I had trouble getting into the room. When you called the item. There is a very legendary former council member being photographed in front of your doors. So we were all listening from the foyer. I just wanted to come today and let you know that this is a resolution that councilmember Casar involved my agency in developing.

[12:00:42 PM]

Councilmember Casar mentioned that there's a bit of -- trying to hold two important qualities, one in each hand. The issue of getting affordable housing units on the ground which is obviously very important to us, then there's the issue of making sure the housing being put on the ground is safe, decent and fair. And we have to hold both those qualities at the same time while keeping in mind our obligation to the fair housing act. I think the process councilmember Casar's office has brought to light during the creation of this resolution has held both those qualities at the same time because he brought tenants rights advocates into the room with the affordable housing developer and allowed us to participate in this resolution. I want to make you aware we had been involved in that discussion and are supportive of this idea. We're glad to answer any questions you guys have so thanks very much.

>> Mayor Adler: Thank you. Yes. Councilmember alter. I think we're done. Thank you.

>> Alter: A couple of questions for Ms. Truelove. I wanted to thank you for the specific examples of ways we might be able to facilitate having more of these in the high opportunity areas. It seems to me, I don't know how it's defined on the map, but it seems to me item number 4 on our finance corporation agenda, the foundation communities property seems to be in a high opportunity area. And I'm just wondering what we might -- what we did in that particular case, if anything, to help with that. Obviously we are providing \$4 million in support, but can you just detail for us things that we had done in that case and at what point in the process we committed the 4 million?

>> I'm going to ask Mr. Potter to come up because those are going to be questions he knows specific answers to.

[12:02:49 PM]

>> So councilmember, we knew on March 1st when all of the 9% applications were due to the state that the Mueller one that foundation communities is doing was submitted, and at the same time they submitted an application for funding to us saying that if we get this, this is how much we're going to need. And so the months passed and finally in July it was announced and so they also have to have their funding committed and a letter from us saying that council has approved funding. They have to show that to tchda by September 1st.

>> Alter: And that wasn't something we needed to commit when they went through the application process? And that wasn't something we committed to when they went through the 9% credit process with the state?

>> Correct.

>> Alter: So we do have some opportunities then, you know, with our funding that maybe some of that we could think about doing a little bit earlier in the process to help do that. As we move forward with implementation of this resolution and the strategic housing blueprint, I think it would be useful to think about the ways that we could tweak some of that timing and how we use levers such as that which I think is the purpose of the resolution and that. The speaker touched on my final point which was to call attention to the last be it further resolved with the tenant protections, which is not something I think we paid enough attention to perhaps in the strategic housing blueprint. It was something that mayor pro tem tovo and I addressed with respect to private activity bonds in an earlier resolution this year where when we are providing these kinds of supports, finding ways to the extent that we're allowed to by law to protect the tenants because they have received this support whether it's from us or the state I think is a very important thing for us to be adding to our discussions with developers on any project where this is -- this is happening.

[12:05:07 PM]

We had a situation in my district, which is what prompted the other resolution, and so I think it's very important for all of these things when we are providing -- that we are taking that into account in protecting people after that investment has been made. Thank you.

>> We agree.

>> Mayor Adler: Thank you. We're getting close to citizen communication. The time for that. But we may be ready to vote. Your amendment, I think Ms. Troxclair indicated she was fine as it was incorporated. Ms. Kitchen you also had handed out an amendment. Do you still want to urge --

>> Kitchen: No, no, what councilmember Casar incorporated is fine.

>> Mayor Adler: Further discussion or should we vote? Ms. Houston.

>> Houston: I have one more question. And so if it were ever an instance where the council did not give their approval, what would happen?

>> The project would not go forward.

>> Houston: So we could change behavior by just saying no because it's not the areas we want it to be?

>> Correct.

>> Mayor Adler: Let's go ahead and take a vote. Those in favor of this item raise your hand. Those opposed? It's unanimous on the dais with councilmember troxclair off. Thank you very much. We got to everything on the consent agenda except for item 58 which we will pick up when we come being bazitski. There's no executive session today. We have sit sense communication. Two of the speakers have indicated they are not going to be in attendance today. That's Shirley and Joshi. Also let's begin with citizens communication, Jeri Locke. You have three minutes and Erin Kelly is on deck.

>> Tovo: While Mr. Locke comes up, I wonder since our other items are at 2:00 and we have two citizens who canceled, perhaps we could get to 58 before we break for lunch and then we wouldn't have to come back until 2:00.

>> Mayor Adler: We could certainly try that. That would be fine. Yes.

[12:07:08 PM]

>> Next week you all on Thursday you will consider the possibility of setting a goal of 100% renewable by 2030. There will be very knowledgeable people on both sides of that with some differences. Where

there isn't a difference is that we are in a really dire position on this planet at this point. And we do need to act with real urgency. The documents that you'll get, Bill McKibbin is known to some of you and not known to others of you, he's probably the most trusted and respected person in the U.S. Climate community, he wrote an article for the New Republic after a bunch of research was done by him and others. They had the best data that they had ever seen on emissions, global emissions. They came to the conclusion that we have to be 100% renewable by 2033, 100% energy, everything. The last -- the last sentence in his article is that if we fail to do this, our 10,000 year experiment in civilization will fail. That's something to think about. That's 2033. The second article is two people that real high levels in the global community, climate community. One person was in charge of U.N. Negotiations in '09 through Paris in 2015. The other person is real high in the Intergovernmental Panel on Climate Change and he has a U.K. Position that's also -- and one of those most prestigious organizations. They say that we have three years to do this, to stop emissions being like this and to start bringing them down in a really significant way.

[12:09:09 PM]

If we fail to do this, we might be failing as a civilization like Bill McKibbin suggested. I really hope that you will take this seriously. The other thing that I wrote, it's a cover page, it's about methane, and some of the calculations are best based on methane. There's a huge amount of methane in the Arctic. It's in the permafrost, it's in the technology shelves, the ocean bottoms, 85 times more potent as a greenhouse gas than CO₂. It's starting to escape. Temperatures in the Arctic were 50° above Normal in late December, January and February. When I read that, all I could think of the methane is starting to heat up. There are huge areas, chunks of the permafrost and I literally --

[buzzer sounding]

-- See an article saying that I hope you consider the information that I've given you. Thank you.

>> Mayor Adler: Thank you. Erin Kelly. After Ms. Kelly Arthur Graves is on deck.

>> Good afternoon, Erin Kelly, resident of district 10 and public high school teacher. I'm here to talk about a concern of mine that 26%, roughly, of Austin fire stations here in the city do not currently have equitable showers, changing stations or restrooms for the staff members who do not identify as male. Whereas since the '70s that's when we started having women in our Austin fire departments. When I was visiting my younger brother about a couple months ago he told me that I needed to, number one, tell him if I needed to use the restroom, number two, he needed to announce to his entire crew that I was going to be using the one large locker room designed for men, and then number three that during the time that I would be using the facilities that I would be taking up the only facilities for the entire crew.

[12:11:27 PM]

And this was the realization that set upon me this is what all the staff members who do not identify as male in all of the Austin fire station staff have to do as a -- as a work environment here. It is 2017, and as a resident of Austin I'm pretty embarrassed and nauseated that this is an issue for the 7.5% of our staff, and as representative Houston mentioned we're setting goals trying to set diversity -- goals -- and we are not even funding and providing basic needs for our heroes who put their lives on the line. This is a -- a concern that's also supported by the public works department as well as the joint inclusion committee. Supporting the funding for phase 6, the last of the six stations that probably won't even get started on until at least next year, if it is funded by certificate of obligation by the city council. Again, this is supported by the Austin public works department as well as the joint inclusion committee and other committees I will be speaking to in the next couple weeks. And I'm open for any questions if you have any questions. Thank you.

>> Mayor Adler: Thank you very much. Next speaker is Arthur Graves. You have three minutes, Mr. Graves, and Julian Reyes is on deck.

>> Thank you. I was wondering if I could get the city's website displays.

[12:13:28 PM]

I wish I would have uploaded my links to the sire program. May I have a sire public access searched? Yes, it's the program used for today's agenda. You can put help if you want. Okay. Thanks. May I have snap stream, our transcript service for the meeting searched? Yeah. S-n-a-p. You can use the same one, I'm not going to go back. Stream, s-t-r-e-a-m. All right. May I have -- oh, the next one. I know I'm limited on time. Could I have the parks and recreation board searched? Okay. I didn't see those top three in my searches in my computer, but if you could try maybe number 3, link 3. On that page.

[12:15:39 PM]

Redistricting, 2014.

[Inaudible]

[Buzzer sounding]

>> Mayor Adler: Do you want to make the point?

>> I can do this last point.

>> Mayor Adler: Tell us what your point was.

>> There are just a bunch of broken links.

>> Mayor Adler: Broken links. If you would let the staff know what those are, that would be really helpful. Thank you.

>> I'll drop it off another day.

>> Mayor Adler: That would be great, or we have here today if you wanted to tell them.

>> My remarks were just prepared verbally.

>> Mayor Adler: We have -- aditi Joshi is present so we'll call that up in order. But Julian Reyes, and then Brian Seay. Brian Seay. Richard Franklin. Do you want to come up and speak?

>> [Inaudible]

>> Mayor Adler: I'm calling Brian Seay, and then Richard Franklin.

>> [Inaudible]

>> Mayor Adler: I'm sorry?

>> Julian Reyes. Do you want me to come up?

>> Mayor Adler: That would be good. I'm sorry. I apologize, Mr. Reyes. You have three minutes and then Mr. Franklin on deck.

[12:17:40 PM]

>> Does it matter which stand I'm at?

>> Mayor Adler: It makes no difference.

>> I'm ready. Hello, city council, mayor, interim city manager, et Al., local law enforcement courts and prison justice system. It's good to see you in the back. I hope you are paying attention right now. I'm Julian Reyes, local free press and advocate for the free -- the people of Austin, et cetera. As you know I've been watching and performing legal documentation here in Austin for a number of years. I have a lot of documentation. On any given day or night any citizen of sin can sit at home Depot, McDonald's, south, north, east to lake Austin, west to lake Austin too, to witness the city of Austin police and justice systems coordinated and concentrated homeless eradication programs at work. Releasing the poor is

criminalization of the poor. That is unaustin and unfree. Agents are always on the lookout to put gloves on the homeless from off or off duty cops, cap metro security, Austin downtown alliance, business owners and media, wealthy new residents, not from Austin folks, some with no knowledge of the open culture that made Austin famous again. Free to be and be free. Often ward through the fog. What would Jesus, Willie and buddah say as they are watching you? The city of Austin's leadership and corporate interests all have a moral, legal and prudent duty to serve the poorest of its citizens. What we see as dim municipal active and disingenuous actions likes echo, front steps, Carey takes, mobile loaves and fishes who represent corporate interests and not the best interests of the citizens most affected by the codification and action of law and policy in Austin city limits.

[12:20:02 PM]

Live music capital of the world or dead and imprisoned poor center of the world. I can tell you what my film shows. You can't have your history and name sake without caring for us all. Get the Gruby robbers away from it. There is less of a k2 epidemic downtown as reported by E.M.S. And police. They are basically going around and taking a tally. They find people that are dehydrated and this the heat. You can't get water downtown. A trend of making it illegal to get water by not giving out water freely to conserve water. Remember that several years ago, you can't give out water on a table. Well, I've been in coffee shops and different places where they took that as an attempt to not give people water. Well, we're in a state where it gets over 100° for many months out of the year. And that puts citizens at risk so it's very untexas to do that. The city's continued prohibition of marijuana for the poor alone and the use of Austin police courts and other agencies to enforce immoral laws, criminalizing --

[buzzer sounding]

-- You guys need to engage and challenger before this gets any worse. Any questions?

>> Mayor Adler: Thank you very much. Next speaker is Brian Seay, and after Brian Richard Franklin. Mr. Seay is not here. From Franklin, you are up.

>> Good afternoon, councilmembers, mayor. This year I'm going to talk about the budget and a couple points I would like you to consider. First the budget should be a moral document. It's been said before in several areas of the country and I hope we can take that at heart here. Secondly, we got to recognize that we cannot arrest our way to peace and prosperity in this community.

[12:22:08 PM]

Thirdly and most importantly the grass is not greener on the other side. The grass is greener when you water it. I recently had a conversation with a high ranking school board, school official who was talking about the movement of the children in the aid district, and she was talking about the kids from the highest performing school. And she said, well, those kids would do well anywhere because they are the cream of the crop. I said the problem you have is the way you look at the kids and the fact you don't understand what a crop is. I said the understanding is as soon as you say they are the cream of the crop, you go out and start to take care of that crop. You make sure that crop is watered and nurtured just like you do that grass you talk about being greener. What we look at is when we get grass out there we water it, fertilize it, manicure it, do everything we can to get nice green grass and offers very little at the end of the day other than an opportunity to play a great game of golf. I don't have a problem with a great game of golf, but the reality we need to look at those weeds you've been trying to kill off forever. I refer to the dandelions in our yards. The dandelions that give us greens that we can eat, leaves that we now process to cure cancer, that provide a place for bees to land, that provide us with pollen. The fact that the dandelion can thrive amongst everything regardless what you do to it, it thrives, survives. It can grow on rocks. You can't kill it and it's beneficial to us. And yet we're doing everything in our power to eradicate us. It helps us. And I say that to say this, we've got kids right now that have been locked away that are our dandelions. We've got kids because we misunderstood them and they misunderstood are out there trying to make things detrimental to themselves and to us. They were out making drugs, creating crack. Without understand the same kid has the ability to make crack could also make a drug that could save a life, cure cancer, leukemia, possibly make a drug that makes us thinner or even smarter.

[12:24:16 PM]

This year I'm hoping that you look at the budget as a moral document and leave a legacy that we change the way we perceive everyone. We perceive the way we approached each other. We wanted the leaves, took care of the least of us. I thank you.

[Applause]

>> Mayor Adler: Hailey Easley. And then aditi Joshi is on deck.

>> Mayor, the last speaker canceled.

>> Mayor Adler: But that last speaker has now shown up. Please.

>> Hello, I'm Hailey Easley, program manager of the asian-american resource center nonprofit's community health navigation program. I'm here actually it was a bit of a mistake, I met for paku to speak but I didn't know she wasn't going to be able to. I want to tell paku story. Paku is right over there. There she is. Paku is a burmese refugee. She came here about eight years ago and has been a huge leader in our community ever since, I think. She's been helping her community find a way to reach all the

different resources as Normal or easily accessible. But they face major issues like language access and health literacy and health insurance, so -- some of the things that paku's community faces are some of the examples that she's seen are people who are afraid or unable to use emergency rooms. So for example there's these great systems that have health coverage for people who can't afford emergency room visits.

[12:26:23 PM]

And they have the form right next to the window and the person makes the emergency room visit. They can't speak English so they are trying to do the necessary things to get the client taken care of. No one introduces this program to them. They then get a bill tore thousands and thousands of dollars. If you know about the burmese community they are pretty working class, they don't have a lot of education. So -- and they certainly don't know English. They get the letter in the mail and they don't know what it is so that gets sent to the collection agency. And all this could have been avoided if there had been someone to help guide them through this process. And then they have to, of course, because there's no one there or there wasn't anyone for a while, they end up suffering the consequences. So paku, what she wants for her community is to see them have -- engage in the resources the way lots of other people do and to be healthy and happy. So paku is -- she's doing that now thanks to all of your support. And the support of the asian-american quality of life commission. I just want to say thank you and wanted to share a story and ask that you continue to support us.

>> Mayor Adler: Thank you very much. Aditi Joshi.

>> Good afternoon, everyone. I represent the asian-american resource center nonprofit. I'm on the board and also the secretary. I'm here to inform you of the work the asian-american resource center has done over the past and also to -- also to ask that you support us. I just have a quick brief about us. Firstly, we -- our mission is to improve the quality of life for all Asians living in Austin.

[12:28:23 PM]

In 2014 the arc nonprofit completed a health study with aph, the Austin public health, to discover and determine the Asian community's needs. Through that we set up a community health navigator program and our main goal was to facilitate access to health and wellness services to under served Asian communities in Austin by providing free culturally relevant health care and resource navigation. The six-month pilot program, through the six-month pilot program we supported 65 clients and engaged 188 clients in outreach and education events. Since January of this year, 2017, within a period of eight months we have supported 125 clients, engaged 566 clients in outreach and education events, and

made referrals to over 26 organizations. This great work has been possible through the efforts of a lot of people as well as the support of the city. However, we continue facing certain barriers and those barriers like Haley had earlier commented are language access, health literacy and health insurance. And what we are looking forward in the future to continue this good work so the support of the city and asking the commissions and the city of Austin to continue supporting our efforts through funding available to us so we can continue giving you the record work that has gone on and also to help the underserved citizens of the city who are not getting access that is due to them. And we hope that you continue making recommendations and if you would require us to provide any further information of the work that is done, we are here to help. And that's all I have to say. Thank you Z thank you very much.

[12:30:24 PM]

Council, those are all the speakers we have here today. Kaitlin Shirley had signed up but is not present. That gets us back to the dais. We don't have executive session today so when we recess we'll come back at 2:00. But before we break, mayor pro tem was suggesting we take care of item number 58. Mayor pro tem, you want to make a motion?

>> Tovo: Sure. I'd like to move approval. I understand there's some amendments and I believe they will all be friendly, but I'll move approval of this item. You know, we all get calls probably weekly from individuals who are looking for rental housing or need to move quickly and I think this will be a very important resource. Our staff have already done a good deal of the work toward that end so this really just adds a couple of additional elements, but in large part supports some work that is already ongoing and it is a recommendation of various different boards including most recently the mayor's task force on institutional racism and systemic inequities.

>> Mayor Adler: The mayor pro tem moves to adopt item 58, seconded by councilmember Alter. Is there a discussion on this item?

>> Flannigan: I have an amendment I hope is friendly just to include Round Rock -- under the be it resolved. I've handed that out.

>> Mayor Adler: Is there objection to this amendment? Ms. Pool.

>> Pool: I don't have an objection but a grammatical correction. The next to the bottom bullet where the apostrophe aditi making Travis a pose receive I have should stay in there because it's Travis county and Williamson county.

[12:32:25 PM]

Thanks.

>> Mayor Adler: Any objection to the amendment?

>> Flannigan: I reallyment to, but I won't.

>> Mayor Adler: Hearing no objection to the main amendment that is also incorporated. Ms. Houston.

>> Houston: I just have a question for councilmember Flannigan. How did you decide on the addition of those school districts?

>> Flannigan: They just have very substantial populations and in my district where those school districts are represented there are still large sections of the community that don't have full English proficiency. There's suburban poverty moving into my district so I wanted to make sure those areas were included.

>> Houston: Thank you.

>> Tovo: And mayor pro tem, I'm very comfortable with having an additional direction from the dais or here just to suggest the staff also incorporate as they are able to information about the other school districts that fall within the city of Austin. I think that would be appropriate. I think we know the most about aid and del valle because they are clear displacement policies but we want those to be useful to all austinites as possible. If the staff need me too I could add that language, otherwise if you would consider it as direction to incorporate information about the other school districts.

>> Mayor Adler: That direction is noted. Mayor pro tem, I've also handed out an amendment. It's on the bright yellow pages. Would you hand out more down there? This is not to slow down the work that you have initiated here, which I think is really good and I support, but just to ask staff to take a look at things that it might be able to do to not only post and list and give out the information, but also to check and see if there's anything it can do affirmatively to help ensure that people all over the city have real access and opportunity.

[12:34:29 PM]

I had the opportunity to speak to the mayor in aspen, Colorado. They obviously have an affordability issue there for people being able to live in that city that can't afford the mean, median home price, which I think is like \$6 million or something like that. But they actually use their registry to make sure that people in all parts of the city have notice, they do things affirmatively in that city that go beyond anything I think we could do here, but just to ask staff to look at that in other cities to see if there's a way to ensure if an apartment becomes available on the west side of town it doesn't immediately go to

the people who have friends already living in that apartment or right nearby, but that people all over the city would have access or otherwise. Is this a friendly amendment?

>> Tovo: I consider that friendly.

>> Mayor Adler: Objection to incorporating this? Hearing none, that's incorporated as well. Mr. Casar.

>> Casar: I would like to thank the sponsor mayor pro tem and co-sponsors for working on this. I think it's really important and necessary. I do want to let folks know that we're continuing to try to take some deep dives into this specific work being done by the staff at the planning and housing committee. We have a meeting coming up this month on the 22nd at 2:00 P.M. I think it's important to give this direction to staff. I think this is written right and does recognize staff is doing ongoing work here and give urgency to the work. But at that committee meeting we are hoping to actually put up some of the tools that other cities have on the web, not -- one for making that you are tenants know where subsidized or income restricted units are, but second make sure we're doing the monitoring to make sure those restrictions are actually working and that there is compliance with income restrictions, and then third, I think as the mayor's amendment speaks to, there's an important to do affirmative marketing especially to displaced communities, communities that may not be as in touch with city processes so that people who really badly need the units have as much access to them as possible, especially folks that have been pushed out the neighborhood knowing there is the possibility to come back is very important.

[12:36:51 PM]

I'm very supportive of the resolution. I think it's important for us to look in this budget to see what our department needs to modernize efforts in this regard, but just want to note for the full dais that's not on the committee, if you are interested, we'll have that meeting posted and you're welcome to come look at with the staff what other cities are doing actually up on the big screen.

>> Mayor Adler: Thank you and the question for that. That's important work to be done. Any further discussion? Mr. Lent. Renteria.

>> Renteria: I just want to thank you for this amendment. We were working on, my office, the best practice of trying to get information and opportunities to lease these units and get that information out to the people. And I really want to thank you for that.

>> Mayor Adler: Thank you. Any further discussion on this? Are we ready to take a vote? Those in favor of item 58 raise your hand. Those opposed. Unanimous on the dais. That takes care of all the items we can do. We have no executive session so we're going to take a recess and reconvene at 2:00.

[2:08:09 PM]

>> Mayor Adler: all right. I think we have a quorum. So we could begin. It is 2:08. We're back from recess. City council meeting. August 3, 2017, city council chambers. If staff can tell us what the consent agenda looks like this afternoon, that would be great.

>> Thank you, mayor, council, Greg Guernsey, planning and zoning department. I'll run through the items I think we can go by consent today. I understand councilmembers would like to discuss a few of the items. Let's start with the 2:00 -- let me start with the 2:00 public hearings are closed. First item I'd offer for consent is item 81, c14-2016-0125, consent approval on second and third reading. Item number 82, this is case c14-2016-0184. I understand councilmember Houston -- y'all moved around. Councilmember Houston, this is at the pioneer walnut creek case c14-2016-0134.

>> Mayor Adler: This is be postponed to October 5. Is that right?

>> Houston: That's what I'll be requesting.

>> October 5 or October 3. The fifth? Yeah, October 5. So that would be postponement by council, 82 I understand there's some discussion with the applicant and homeowner and also the county I think for the roads involved with that one.

[2:10:16 PM]

Item 83 --

>> Mayor Adler: Wait, wait, wait, wait. So is it on consent to go to October 5?

>> That's what I understand. Yes.

>> Mayor Adler: Is there anybody here to oppose that going to October 5? So we'll make the postponement to October 5 part of the consent. Go ahead.

>> Item 83, this is case c14-2017-0129. This is ready for consent approval on second and third reading. Item 84, case c14-h-2017-0038, ready for consent approval on second and third reading, item 85, c14, 2017-0039, ready for consent approval on second and third reading. Moving on to 2:00 P.M. Zoning and plan amendment items, public hearings are open and possible action, item 86 c14-2017-0020, this is staff postponement to October 5. Item number 87, case npa-2017-0013.01. I'll note this is the Bouldin creek neighborhood plan amendment. We are offering this as consent postponement to the 28th of September. I understand all the parties have agreed to that postponement date. The related item is item number 88, c14-2017-0026. Again, this is the Bouldin creek neighborhood plan amendment, and I

understand all the parties have agreed to September 28th for a postponement. And, mayor, I think I have one person that's signed in on that. I don't know who that is. But --

>> Mayor Adler: I understand. We'll get to that.

>> Item 89 is case --

>> Pool: Real quick, Mr. Guernsey goes further, the notes I have shows there's still neighborhood opposition to the postponement.

>> We have canvassed as far as I know everyone we could and they've all I understand agreed to the postponement, although I don't know who the individual is in the audience behind me that may say otherwise.

[2:12:25 PM]

>> Mayor Adler: It's David king and he's for this. So --

>> Pool: I'll check with --

>> Mayor Adler: Once we get to the consent, exile for people that would like -- I'll ask for people that would like to speak so we'll bring them forward.

>> Very good. Item 89, npa-2016-0016.01. Staff is requesting potentiality of this item to August 17, item 90, c14, 2016-0079, staff is requesting postponement of this item to your August 17 agenda. Item number 91, c14-2017-0033. I understand I have one or two councilmembers that would like to discuss --

>> Mayor Adler: We're going to pull -- we have three people signed up so 91 and 92 are being pulled.

>> Item 93, c14 -- npa-2016-0005.02. Staff is requesting postponement of this item to August 31. Item 84, staff is requesting postponement of this item to your August 31 agenda. Item 95, c14-78-220-rct, staff is requesting postponement of this item to your August 31 agenda. Item 96, npa-2017-0014.01, staff is recommending approval of this item consent for three readings. Item number 97, I understand councilmember Flannigan would like to discuss item number 97. Item 99 is c14-86-0141-rct, consent approval of recreate termination.

>> Item --

>> Alter: Slow down a little bit. Can you please slow down a little bit.

>> Discuss item 99?

[2:14:26 PM]

>> Alter: No, slow down. I can't follow you quite that fast.

>> Mayor Adler: That is -- that is the very first time in memory that council has said that Greg is going too quickly as he lays out the consent items.

[Laughter]

>> Mayor Adler: Which is okay.

>> I'll back up. Ninety-nine --

>> Alter: We do have a hundred of them.

>> Ninety-eight was for consent, restricted could have vent, 99 was consent for three readings. Item number 100, I understand councilmember Flannigan would like to discuss item 100.

>> Mayor Adler: Okay.

>> Item 101 is case c14-2016-0090, staff postponement to September 28th. Item 102 c14-2016-135 is staff postponement to September 28.

>> Mayor Adler: I had August 31 on 101. Did I have that wrong.

>> Pool: I did too.

>> I understand we were postponing 101 and -- to 9/28. I'm not aware of a --

>> Pool: Okay. That's fine. That's fine.

>> Mayor Adler: That's. . .

>> I stand corrected. You're correct, mayor, August 31 on 101.

>> Mayor Adler: Okay.

>> Pool: Thank you.

>> Item 102, c14-2016-135 postponement to 9/28. Item 103, c14-2017-0002, postponement to August 31.

>> Pool: Okay. That one I have an indefinite postponement on --

>> Mayor Adler: As did I.

[2:16:28 PM]

>> Pool: Item 103. As requested by the applicant.

>> Mayor Adler: I had indefinite requested by staff. I guess it wouldn't be indefinite, though.

>> I'll do with indefinite postponement on 103. Request by applicant. Renotification would be required. On that item.

>> Mayor Adler: Okay.

>> Item 104, c14-2017-0036. This is staff postponement to August 31. Item 105, c14-2017-0042, postponement to August 31. Item 106, c14-2017-0041, consent approval on all three readings. Item number 107, this is a discussion postponement. The applicant would agree to a request for a postponement but only to the 17th, and the neighborhood would like a postponement to August 31.

>> Mayor Adler: Let's pull 107.

>> Item 108, case c14-2017-0050. This is a staff postponement to August 31 item number 109, case c14-2017-0051.

[2:18:32 PM]

This is an indefinite postponement by staff, new notice would be required before this case would come back. Item number 100, case number --

>> Mayor Adler: 100 or 110.

>> Excuse me, 110, c14-2017-0053. I have this ready for consent approval on all three readings. Item 111, I understand the case c14-2017-0054, councilmember Flannigan would like to discuss this item. Item 112, c14-2017-0057, ready for consent approval on all three readings. Item number 113, this is case c14-2017-0159. Be --

>> Mayor Adler: 113?

>> 113.

>> Pool: I show either consent or postponement.

>> Tovo: On item 113 and the previous one, I think -- yes, I would like to pull that. Thanks.

>> Mayor Adler: Pulling --

>> 113.

>> Mayor Adler: Did you also say the one before that, 112? Or is it just 113 being pulled?

>> Tovo: Can you give me just a minute.

>> Mayor Adler: Mm-hmm.

>> Tovo: Maybe we can move on and come back.

>> Mayor Adler: We can.

>> Item 114, c14-2017-0060. Ready for consent approval on all three readings. Item 115, c14-2017-0063, this is ready for consent approval on all three readings.

[2:20:38 PM]

Item number 116, this is case c14-2017-0064. This is a staff postponement to 9/28. September 28. And then item number 117, c14-2017-0071, ready for consent approval on all three readings.

>> Mayor Adler: Okay. We also have 2:00, we have the call for public hearings, and I understand staff is asking for 118 to be postponed. Is that correct?

>> At 4:00?

>> Mayor Adler: Is that 4:00 call? Okay. 4:00. Sorry, we'll come to those later.

>> Tovo: So, mayor.

>> Mayor Adler: Yes.

>> Tovo: Am I right in thinking 111 got pulled?

>> Mayor Adler: 111 was pulled.

>> Tovo: Pulled by.

>> Mayor Adler: Councilmember Flannigan.

>> Tovo: I have something to add to that one. 113 I would like to pull it for a short addition.

>> Mayor Adler: Got it. 112, you okay with that going forward.

>> Tovo: Yes.

>> Mayor Adler: So the consent agenda running from item 81 through and including item 117, the following items have been pulled -- what was it on 87? What was the. . .

>> On 87, that was a consent for postponement to September 28, and I think it was noted David king was in the audience as signing in and not opposed.

>> Mayor Adler: Got it, okay. So the items --

>> Tovo: Mayor, I'm sorry. Councilmember pool had asked a question about that as well.

[2:22:40 PM]

This was the -- the request for postponement came from several slides who sent us a letter requesting that postponement and then yesterday we received -- I think Jerry's guess is -- the notes inadvertently listed the neighborhood planning team was in opposition to the postponement request but that was not accurate. We did receive a letter from the chairman, Shaun Kelly, the chairman of the neighborhood planning team for Bouldin creek yesterday indicating that though there had been extensive outreach over the last year or so they were not in opposition to a postponement.

>> Mayor Adler: Not in opposition.

>> Tovo: With were not opposing -- the neighborhood planning team is not opposing the request for postponement. It did not come from the neighborhood planning team but they are not opposing the request.

>> Pool: Is that the case for 88 also?

>> Tovo: I think so. It's the same --

>> Mayor Adler: Same case.

>> Tovo: Again, that came from Shaun Kelly yesterday and I think it went to all our offices.

>> Mayor Adler: So the items that have been pulled are items 91, 92, 97, 100, 107, 111, 113. Is that correct?

>> Io. I think one of.

>> Yes. I think one of those -- no. That's correct.

>> Mayor Adler: That's correct, okay. So is there anyone here that wants to speak on any of the consent items? Ask that would include 87 if Mr. King was here. Does anybody else -- is anybody else here that wants to speak on any of the non-pulled items? Non-pulled items. Okay. Yes, councilmember alter.

>> Alter: I didn't catch for 115 if that was what the --

>> Mayor Adler: 115 is consent approval on all three readings.

[2:24:41 PM]

>> Alter: Thank you.

>> Mayor Adler: Is there a motion to approve the consent agenda? Councilmember Garza makes that motion. Is there a second? Councilmember Casar. Is there any discussion? Yes.

>> Flannigan: If I can be shown voting no on 81, 84, 85, and 112.

>> Mayor Adler: Okay. Anything else? Those in favor of the consent agenda please raise your hand. Those opposed? It's unanimous on the dais with the notations entered. That gets us then to the items that have been pulled and let's go ahead and handle those. The first items are 91 and 92.

>> Casar: Could I request we take up one item before we come to that one. My staff was just on the phone with some people that live nearby and hasn't been able to print out things and the like so if we could just take one case before this one that would be helpful.

>> Mayor Adler: Okay.

>> Casar: Thank you.

>> Mayor Adler: Which one do you want to take up first.

>> Casar: Whichever you like --

>> Mayor Adler: I see these people aren't here. Got you. Now I understand. Not a problem. Let's move --

>> Mayor, could I suggest maybe we take up the discussion postponement? I think --

>> Mayor Adler: Which number is that?

>> That's item 107, case c14-2017-0048. It's a property located 1800 skoal field ridge parkway and I know the neighborhood has requested postponement to August 31 and the applicant is agreeable to a postponement but only to the 17th.

>> Mayor Adler: Okay. And we have one speaker here from the public to speak identified on this.

>> Pool: Then I have a my district, got a couple things to say.

>> Mayor Adler: Do you want to hear from the public first.

>> Pool: Sure. That would be great.

>> Mayor Adler: Is the applicant here?

>> Well, the -- I don't know if the applicant is a speaker.

[2:26:42 PM]

I think the speaker might be the neighborhood representative.

>> Mayor Adler: I see, but because -- I'm going to let the applicant go first and then I'll call, as we normally do these things, I'll do that same protocol. So is the -- we're going to ask the applicant to come up first.

>> Mayor, councilmembers, my name is Nash Gonzalez, agent for the property owner. On this item. The reason we're asking for a shorter postponement is because the project is under construction. It's about 80% completed. And also the neighborhood has had 90 days to handle whatever -- or questions they had and so on on this project. And that's the only reason we're asking for a shorter time frame on the postponement. Other than that, that's the only reason.

>> Mayor Adler: Okay. That's why you're asking for the 17th oppose the 31st?

>> Yes, correct.

>> Mayor Adler: I'll call the neighborhood speaker up.

>> [Off mic]

>> Mayor Adler: Okay. Are you.

>> Pool: What's going on?

>> So, please.

>> I'm sorry. How much time do I have, mayor?

>> Mayor Adler: Three minutes. And the question is should this be postponed to the 31st or should it be postponed to the 17th?

>> I was speaking about opposition to it. I was not aware about this postponement.

>> Mayor Adler: That's fine. I'll let you speak in opposition to it but you won't speak on either the 17th or 31st.

>> Yes, sir.

>> Mayor Adler: Okay.

>> Mayor, councilmembers --

>> Mayor Adler: Can you pull the microphone toward you just a little.

>> Am I carrying is now.

>> Mayor Adler: Perfect.

>> Mayor, councilmembers, my name is [saying name], I'm a resident of skoalfield condos, councilmember pool's district, unit 1502 and I've been living there four and a half years. I speak on strong opposition to this change of zoning to allow a liquor store to be part of a convenience center which already has, I'm assuming -- it's not going to be a dry convenience center.

[2:28:54 PM]

I was at the zoning and platting commission. They weren't exactly sure what the space will be but they do believe it will have click beverages as well. My bases aren't many, I won't go into all of them but one of them is the staff report itself. The staff report I think has some inconsistencies, specifically where it says that -- they talk about what's in that area, west and north. Yes, south of that is a neighborhood but also to the west is not just a FedEx center, it's the condos. That's where I live. In fact if you look at the satellite view, the color satellite view of staff's report, one of the first couple pages, that couple of buildings you see by the FedEx center, I live in one of those condos, unit 15, it's a triplex so there's through units in each one, 69 units, for about 207 units total. So staff report I would say is not entirely accurate saying there's only a FedEx center. We have a big condo complex called skoalfield ridge condos. You can see my actual unit in the area. And the reason I'm here is because the city of Austin said I'm within 500 feet so that's a major reason I'm talking about this. There are single condos in this case, single family condos not just south of this proposed liquor store. I'd also state that the staff's basis for recommendation two isn't fully accurate. It says the cs zoning district would be compatible and consistent with industrial uses to the north and west. I just mentioned I don't believe that statement is entirely accurate to the west is as I live there and it's actually in the picture of the staff's own report. One other thing I would regard the staff's report as maybe not entirely accurate is the existing conditions and connectivity or the individual says there's a bus -- there's no bus stop near within walking distance. I'm not sure what the distance is, maybe a quarter of a mile or not but there is a bus stop on the corner of metric and skoalfield parkway.

[2:31:02 PM]

Do I know it's within a quarter mile? It's really close. I'm not 100% sure. I'd ask council to look at that. My time is limited. I'd state there's study after study, California Berkeley did one with the 36 statewide 91 metropolitan areas showing liquor stores did have an increase in violent crime, especially with youth. I'd state there's already seven liquor stores within a couple -- within short driving distance, you count --

[buzzer sounding] Thank you for your time.

>> Pool: Sir, could you --

>> Mayor Adler: Ms. Pool.

>> Pool: I was just going to ask the neighbor to go ahead and finish. You were talking about seven liquor stores within a certain distance. Just come and finish your statement.

>> Thank you, councilmember pool. I would state there are seven liquor stores on either the corner of mopac and 35 -- excuse me, mopac and Parmer, between Parmer and 35. I can name them but I don't think I have time. On the corner of 35 and Parmer, on the corner of west wells branch and 35 and on the corner of mopac and wells blanch and Howard area and then there's two between mopac and 35 on wells branch. There's at least seven in my brief research that I did. Thank you. Thank you, councilmember pool.

>> Mayor Adler: Okay. Does the applicant want to come up and close? Is there anyone here in the neighborhood to speak for the August 31st request?

>> Mayor, I'll just note there was -- the presence of the 701 home hoa, which is in the vicinity of this proposal. They were the ones that submitted to staff -- oh, skoalfield -- excuse me, skoalfield ridge hoa had made the request for the postponement to the 31st.

>> Mayor Adler: Do you know if they can do it on the 17th?

>> I know we asked if they would be agreeable to the 17th.

[2:33:04 PM]

And they said they needed more time.

>> Pool: And I have some additional information about that is.

>> Mayor Adler: Okay. So there's no one here from the neighborhood to speak. Do you want to -- I'm going to give the applicant a chance to close. Do you want to say anything before we get to the conversation on the dais? Okay. Councilmember pool.

>> Pool: This is a commercial zoning case in district 7 where the neighborhood has requested a postponement until August 31. That's in order to give them enough time to call a neighborhood meeting to discuss the case and take an official position, being the summertime it's not always easy to call people back in a short amount of time. My understanding is the neighborhood leadership only became aware of the case recently and weren't able to come here today because they had preexisting commitments, and also given the questions raised by the neighbor about some details in this staff report I wanted to have enough time for us to confirm or verify and make sure our staff report is absolutely accurate and I wanted to ask that we honor the request for an August 31 postponement.

>> Mayor Adler: Okay. Is there -- sir? Can you come up? Is there -- I know this has been going on for a long time. Would the additional two weeks be a real hardship?

>> It would be a little bit. I talked to the owner, because a lot of the finish items and so on he's already getting ready, go into construction on the liquor store. Let's say -- we don't get the zoning. Then we got some issues. The only reason we went forward is because we got the majority of the votes from the planning commission, but we feel comfortable because they had 90 days to address all the concerns and so on. And I touched bases with the city staff, on the liquor stores we're talking about. We're not talking about a quarter mile, we're talking about about a mile, mile and a half, up to 3 miles from this project.

[2:35:07 PM]

It's not a congestion of a bunch of liquor stores in that area. That's the only reason we're asking for a shorter time frame.

>> Mayor Adler: I understand. And --

>> Pool: Mayor, if I could just say, this is the first time we have heard this case. I don't know that it has been going on a long time. But this is the first time we have seen it. And so if I need to request the postponement, then I will.

>> Mayor Adler: I understand.

>> Pool: I do want to give the neighbors an opportunity to call together the neighborhood meeting that they are not able to call together in a real short period of time, considering the summertime and everybody's schedules.

>> Mayor Adler: Okay.

>> Pool: Appreciate the concerns about timing, but I think we might be able to get to a more positive outcome if you would give the neighborhood a little bit additional time.

>> Mayor Adler: Okay.

>> Thanks.

>> Mayor Adler: Thank you. Councilmember pool moves to postpone this item until August 31. Is there a second to that motion? Mr. Renteria aesthetics. Is there any discussion? Mr. Flannigan.

>> Flannigan: Briefly, councilmember pool, you've been in communication with the neighborhood?

>> Pool: Yes.

>> Flannigan: Were there specific concerns beyond the existence of a liquor store they were expressing.

>> Pool: There were concerns about the proliferation in that area.

>> Flannigan: A number of liquor stores.

>> Pool: And concerns about the accuracy of the staff report, which is also a general concern that we immediate to straighten out.

>> Flannigan: What we heard is a fairly accurate representation of those concerns, would you say?

>> Pool: I think so, yeah.

>> Flannigan: Thank you.

>> Mayor Adler: It's been moved to postpone this until the 31st. Any further discussion? Those in favor of the motion please raise your hands. Those opposed? Flannigan votes no, others voting aye. This is postponed until the 31st. The next item, Mr. Casar, you ready? Okay. Then let's call up then items -- what was it?

[2:37:10 PM]

Ninety-one and 92. Staff?

>> Yes. C14-2017-0033, this is item 91 and c14-88-0129rct, item 92. The zoning case is a property located at 9501 stonebridge drive. It's a proposal to zone the property to lo-master plan and the tract is right now about 8200 square feet in size. Staff did recommend the lo-mp and the planning commission did recommend the lo-mp zoning by consent vote of 8-0. It's an existing office building. And the restricted covenants that associated with this property would limit the uses to medical in nature and also provides that a roll-back provision if that use would cease. The mandate is in agreement with the staff recommendation, the commission's recommendation. And I'll pause. I think there's one person signed up, which is the applicant. I don't believe there's anyone here in opposition, but I understand councilmember Casar has some additional conditions that he may wish to read into the record.

>> Mayor Adler: I'm showing three people signed up to speak. Two people speaking for and one person speaking against.

>> Okay. I checked it earlier, so --

>> Mayor Adler: No problem, no problem.

[Indiscernible] And Neil speaking for and Ackerly speaking against. Let's ask the applicant. Is the applicant here?

[2:39:11 PM]

Do you want to speak first? Would you like to address the council first? What we do in these instances, we'll bring up the applicant. You have five minutes to speak to the council. We'll then ask for other people to speak and then we'll give you a few minutes to be able to close.

>> Okay. Thank you. My name is David lipincot, I own the property at 9501 stonebridge. Please don't confuse the name -- I don't know there's another on this agenda but we're not related. It's an unusual name so I was surprised to see that. About -- I bought the property approximately 35 years ago. It was zoned residential at the time because it was Nash's offices for that neighborhood they were developing and it turns out it was legal for them to operate it without the commercial zoning because they were the developer of the neighborhood. So when I bought it I had to have it changed to operate legally. So we had it changed to lo. That was 35 years ago. And in trying to sell the business now we've found out that this overlay was in place. No one is still around that was involved back then. We don't know why the overlay was on there, but it is on there. We met with the neighborhood association a few times. We thought we had an agreement with them. We met July 19 with them, with their president, with their team members. We all reached an agreement that it would remain lo with an overlay seeing that it could only be professional services. We were in agreement with that. The buyer was in agreement with that. Everyone from the neighborhood that was there that day, the president and their team members, were in agreement. But over the last two weeks, they've changed their mind, the neighborhood association has. I'm not sure why.

[2:41:12 PM]

I guess they can tell you why. But I'm just here to say that it's always been a been. It's never been a residence, even when it was zoned residential, it was never a house. It has no kitchen. It has no bathroom -- I mean, it has no shower facilities. So it's always been a commercial building for 35 years.

And we're just asking that it continue to be that way. And we agree to the overlays. If that's what they want. So that's all I have unless somebody had some questions.

>> Mayor Adler: Thank you very much.

>> Thank you.

>> Mayor Adler: Let's go to the speakers. First speaker is --

>> Casar: One quick question.

>> Mayor Adler: Go ahead.

>> Casar: Sir, would you come back? You had a map up on the screen. Would you tell us what that map was of?

>> Sure, sure. The red is our street. That's stonebridge drive. The green box is the property in question that I own. I did this because the very first letter written to the council by the neighborhood association, it stated in their letter that the residents on stonebridge opposed having a commercial property at the retains to their street. I knew that was a misstatement. I know all the neighbors. So I went to all of them. I have a petition they can put up to. An informal thing I wrote out saying if you support me just sign it. And it states on there that it's not binding. It states that it would be lo without any provisions. And so I have 11 owners out of 15 agreeing with me. Two I can never find. They were never home. One is a halfway house.

[2:43:12 PM]

And then the other is someone who is never going to agree to anything. Anyway, I had the majority of the people that live on the street that are okay with this. They're okay with it just being lo without any other provision. So that's why I brought that, just to outline that. All the blue houses are for us. The property is actually angled towards -- it's not really facing stonebridge or Rutland, it's at a 45-degree angle you can see on the map. The new buyer is actually going to change the address to Rutland so stonebridge will not even be involved in the address anymore. It will have a Rutland address which won't bring any traffic to stonebridge.

>> Mayor Adler: Thank you. Let's hear from Elizabeth Ackerly.

>> It's my understanding that the subject building was originally used as a sales office for this surrounding neighborhood. When the current owners acquired it they got approval to use it as a dental laboratory and when they were done zoning was to revert back to the rest of the street, which is single family. The nearby residents approved of that plan. I've been there for 17 years. I considered it a given that that would happen eventually. Now the owners want to remove the restrictive covenant and they

want to rezone the property and these two agenda items passed the planning commission only by consent because not everyone was involved in finding out about these two problems. I was never proved with finding out about the removal of the restrictive covenant and I spoke to the person who owns the property next to me, and she was not informed of -- either of these agenda items.

[2:45:23 PM]

The property has had a for-sale sign for several months. I don't know exactly how much they're trying to sell it for, but it's not been easy to find out information about it. And I also want to direct your attention to the letter. I believe it's on the second agenda item, from the owner, that says the property is falling apart. I think the property should be torn down. I think the property should be rezoned back to its single family, and new property should be put up there. Thank you for your time.

>> Mayor Adler: Thank you. Next speaker is Kelly Neil.

>> Good afternoon. My name is Kelly Neil. I'm the buyer for 9501 stonebridge. I wanted to just introduce myself to let y'all know that there's really -- I'm not really looking to make any changes with the property. It -- I mean, originally it was built to be a real estate office for the developer who built the quail creek neighborhood. I work in the real estate industry, I've lived in the neighborhood about ten years, I own a duplex about 200 feet away from this property that I've owned over ten years, and I'm very familiar with the neighborhood association. I have -- do I a lot of things to maintain my property and keep it in good condition and I'm trying to do that with this property. I know there's a lot of issues with crime and other problems in the area, and I hope to be able to change that by putting a real estate office in it. I want to -- I have no intention of tearing the building down like -- I do not think it's in necessary condition to be torn down whatsoever. It does have a few issues. It was built in the '70s but like any property built in the '70s it does need maintenance and repair and I plan to take care of all the deferred maintenance.

[2:47:27 PM]

And, I mean, with it being a real estate office, we don't -- I don't really expect there to be a high amount of traffic coming in and out of the office because with real estate most of the work is done offsite or when you go to look at properties. It's just I don't feel like this property is -- by making it into a real estate office, it will in any way interfere with the neighborhood, how it currently is operating or how it was back in the '70s when they built this office. Currently, the restriction is that they can only use it as a dental lab, and, like, he said, there's not a full bathroom in it, not a full kitchen. This is not a building that's capable of being lived in as a residence. And it does not need to be torn down based on its

condition either. So I want to be a -- an asset to the community and try to make the -- that area of equal creek better by having an office there, so I really am just trying to revert the property back to what it was back when whenever they originally purchased it and then move forward from there with the real estate office like it used to be.

>> Mayor Adler: Thank you.

>> You're welcome.

>> Mayor Adler: Anything else?

>> Anybody have any questions?

>> Mayor Adler: Thank you very much. Do you have anything you want to say in closing? Okay. Thank you. We're now up to the dais. Mr. Casar.

>> Casar: Mayor, I'd like to make a motion and I'll explain it to the dais if I get a second. But I move staff's recommendation on first reading but also add language that the property here, which already has a co, that the co still remain for the following uses being prohibited on the property, and that's medical offices exceeding 5,000 square feet of gross floor area, club or lodge and residential treatment.

>> Mayor Adler: Okay. There's been a motion. Is there a second to this motion?

[2:49:30 PM]

Councilmember Garza seconds the motion. Discussion.

>> Casar: So this building was established as realtor's office when this property was developed in the '70s. And so I appreciate the attempt to keep the building the way that it is and have it as the use that was -- that it was first put in place as. I -- we've -- you know, my understanding is my staff has been working, you know, pretty diligently with the neighbors and while there was some desire to try to convert this to residential use from the office use it historically has been at, folks I think came to the idea of some compromise of keeping it as an office building and allowing more office uses but with these prohibitions that I read out. So I think that that's -- seems like a fair starting point, but this is just first reading and in the last couple of weeks it sounds like some other folks from the community, you know, wanted to probably better understand how those conversations went with the contact team and neighborhood association. And so if there's anymore fleshing out that needs to be done and conversation that's need to be had I appreciate people continuing to participate in that. But I think as a starting point it makes sense that -- I appreciate the contact team and others saying if we're going to have it as an office we are willing to keep it as an office, have fewer restrictions on it than it currently has but still keep some of the existing restrictions on it. Right now it is basically just a -- restricted to be a dental lab and that's it so this would still be freeing up a variety of uses and allow it to be a realtor's

office again. So not -- I think we'll continue to have conversations up to -- for second and third reading coming up but I think this is a good starting point and appreciate both sides sort of trying to meet in the middle.

>> Mayor Adler: Okay. Ms. Garza, was there a comment you wanted to make?

>> Yes, item 92 is a restrictive covenant termination.

[2:51:32 PM]

>> Casar: We would be moving that forward and just having a -- the conditional overlay combining district to prohibited those three uses I read out.

>> We'd take action on 92 today and then come back for second and third readings at a later date with the zoning.

>> Casar: Right. And, Mr. Guernsey, I believe the Flum has this as a commercial -- continuing as a commercial use. Is that right?

>> I believe so, yes. I can go back and double-check but I believe it has it as a commercial use, yes.

>> Mayor Adler: So the motion has been seconded. It is to approve this item 91 with the co -- with those three prohibited uses and voting to approve item number 92.

>> And --

>> Mayor Adler: Discussion. Councilmember pool.

>> Pool: I think it's only on first reading.

>> Mayor Adler: On first reading only.

>> Pool: Is item 92 on 1st reading as well?

>> Mayor Adler: No.

>> Pool: Are we taking that separately?

>> Item number 92 is a restrictive covenant termination so that would just take effect.

>> Mayor Adler: His motion was to approve on first reading 91 and to approve 92.

>> Pool: Okay. And then we have -- so I'm just trying to follow how -- we have an amendment --

>> Mayor Adler: It's an amendment to 91.

>> Pool: We just got this.

>> Mayor Adler: So as to have a conditional overlay that prohibits those first three uses, first reading, lo.

>> Pool: Okay.

>> Casar: That's the place both the applicant and contact team came to as a compromise and we still would have second and third reading if there's need for more conversation.

>> Pool: Thank you.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: Is there any problem with just dividing the question.

>> Mayor Adler: We can divide the question.

>> Flannigan: Make it a little simpler, I think.

>> Mayor Adler: Not a problem. We'll do that on request. Item 91 is in front of us, approve on first reading this item with conditional overlay those three uses.

>> Is the public hearing closed with that or not?

>> Mayor Adler: And to close the public hearing. Any further discussion?

[2:53:34 PM]

Those in favor please raise your hand. Those opposed. Flannigan, troxclair voting no, others voting aye. That passes. Motion is to approve item number 92, which is to remove the restrictive covenant. Any discussion? Those in favor please raise your hand. Those opposed. It's unanimous on the dais. It passes. So that takes care of numbers 91 and 92. Mr. Flannigan, you pulled item number 97.

>> Flannigan: Thank you. Ninety-seven. So this property is right on 183 or just off 183 near the airport and my concern with this is the need for the cos being applied to this. It's surrounded by many commercial and industrial uses. It doesn't seem to necessitate further complicating the zoning in this case. I think it was the staff recommending adding the cos. Is that right, Mr. Guernsey?

>> Yes. Staff recommended to the commission approval of the cs zoning with a conditional overlay that would basically speak to eight uses being prohibited, and that's primarily because of -- as joins along its eastern boundary some smaller single-family homes and mobile homes that adjoin this property on the eastern boundary in its entirety.

>> Flannigan: It's my understanding this is under the airport overlay which would prevent future residential uses. Over time does this not -- this is not intended to be a residential area because of its proximity to the airport. Is that right?

[2:55:34 PM]

>> I would agree, councilmember. It's doubtful that these properties would be probably combined together to be redeveloped. Because they're very small in size and numerous property owners. So, yes, it's possible at some point that that -- that actually could occur, but it's probably unlikely. Those uses, because of the cs-mu, the residential component would allow it under zoning, Normal zoning, but under the airport industrial, if they were actually to tear these buildings down, I guess, and ask to build anew, they would not be able to. So they would probably remain in their condition. But since the airport overlay has been put in place, it's my understanding that the majority of these properties have been used for residential and probably would continue in the future.

>> Flannigan: Okay. It would be my preference to move forward without the cos but, councilmember Garza, I'm willing to defer to you if you'd like to move forward on this. This is your district.

>> Garza: Thanks, councilmember Flannigan. I appreciate your concern with cos. It's similar to mine, mine with crash Gates.

[Laughter] But I think it's because this is close to residential, I understand that, you know, there won't be more residential there, but my understanding of staff's remittance was because there is residential there now and these were merely suggestions to protect those residents from these kinds of uses. It wasn't one of -- we don't want that kind of, you know, business here. It was more of a public -- a safety thing for the residents. So I -- I would move staff's recommendation.

>> Mayor Adler: Let's hear from the applicant. Do you want to --

>> I'll also note the planning commission unanimously also approved the staff recommendation on the consent vote of 12-0.

[2:57:39 PM]

>> Mayor Adler: Okay. Yes, Ms. Pool.

>> Pool: I'll second --

>> Mayor Adler: We haven't recognized the motion just yet.

>> Mayor, mayor pro tem, councilmembers, Ron thrower representing Jim and Shirley McComb for this property. When we originally started this request, we did hopefully we're seeking the opportunity to have no conditional overlays. Again, that's another effort on my part to have an easier transition with codenext rather than perpetuating legacy zoning. I understand the concerns that are raised by councilmember Garza and the proximity to the residences that are next door, but with that I also want to point out that it was the city that initiated the rezoning on the single-family properties that are next door as an encouragement to them to vacate their homes and gave them the cs zoning, similar to what we're asking for on our property. So they've been provided -- the neighborhood has been provided the opportunity to be able to sell their properties as commercially zoned property and move on if they choose to do so. But with that I'm available if you have any questions. Thank you.

>> Mayor Adler: Okay. Councilmember Garza moves passage of the staff and planning commission recommendation. Seconded by Ms. Pool. Discussion? Yes, Mr. Flannigan.

>> Flannigan: Mr. Guernsey, of the items -- the uses being prohibited H.R. The Cs -- under the cos, do any of those exist already under the properties that you're aware of?

>> I'm not aware, councilmember Flannigan, that these uses exist or not in this area.

>> Flannigan: You look at an overhead map and it appears there are transportation terminals and equipment repair and vehicle storage. It appears those are in proximity which would not be unusual for an area so close to an airport.

[2:59:39 PM]

>> The vehicle storage is a usage commonly for vehicles that have been basically -- towing lots or they're held or auction yards. I didn't see that in the vicinity. But it's certainly a type of use where you basically have vehicles that are not disassembled but they're just stored. Transportation terminal is more of -- I guess could be a bus terminal or cargo terminal where you would have trucks moving in and out and there is warehousing that's further to your west from this site.

>> Flannigan: Right. So I -- since we moved forward on this with the co's I'll propose an amendment to remove them and we can take that vote and move forward.

>> Mayor Adler: Anyone want to say anything before I recognize him on his amendment? Mr. Flannigan moves to strike the cos. Is there a second on the amendment to strike the cos? The amendment fails for want of a second. The motion is approve this with the cos. Discussion? Those if favor please raise your hand. Those opposed. Flannigan votes no, the others voting aye with troxclair is off the dais.

>> And the public hearing was closed.

>> Mayor Adler: Public hearing was closed. Approved it on first reading. Is that right, first reading?

>> That was three readings.

>> Mayor Adler: All three readings. Okay. That gets us to the next item then which is item number 100.

>> Item number 100, this is --

[3:01:40 PM]

>> Mayor Adler: Mr. Flannigan pulled this one.

>> This is case c14-2017-0019, the oak bridge --

>> Tovo: Mayor, sorry to interrupt. Councilmember troxclair is off the dais, I wonder if we should --

>> Flannigan: This is much simpler.

>> Tovo: Given it's in her district.

>> Mayor Adler: It was pulled so we don't know where she is on this issue so we'll come back to number 100. That gets us to 111.

>> Flannigan: This is another co situation. On this case specifically the prohibitions are pawn shop, bail bond -- I'm not going to debate on the height restriction right now. It's my understanding this is also under the criminal justice overlay?

>> Yes. The criminal justice overlay automatically prohibits some uses and makes other uses conditional.

>> Flannigan: And all four are either prohibited or would require commission approval.

>> The three uses I think are conditional. There was a fourth use that may have been discussed, pawn shop, which is prohibited in the overlay.

>> Flannigan: So adding the co on the specific property is duplicating existing overlay restrictions on uses that are completely prohibited like pawn shop or would require separate approval by commission and that would require public notice and outreach, I think.

[3:03:41 PM]

>> That's correct.

>> Flannigan: So in this case my intent is -- and really my intent nine times out of ten is simplify the zoning. Criminal justice already provides for restrictions on these uses so I don't see further need to complicate further zonings, but councilmember tovo, if you would like to take the lead, I will defer.

>> Tovo: Thank you. I would like to move approval of the staff recommendation, I guess we're hearing it on just first reading with the -- with it in place as it is right now, which was a unanimous approval from the planning commission to have as prohibited uses bail bond services, liquor sales, cocktail lounge and the restriction on outdoor sound amplification which is going to be done, as I understand, through a public restrictive covenant.

>> That's correct.

>> Tovo: And so -- and I would also -- the additional condition that limits trips to 2,000, it's my understanding that many of the other properties in this area have similar limits and that's the request from the old Austin neighborhood association. We all received that letter in our backup on June 12. As my colleague has said, it is within the criminal justice center overlay and several of those uses would be - would be typically conditional rather than prohibited, but all conditional does is allow for evaluation and understanding whether the context should support that particular use. In this case the planning commission has given us their opinion about it that those should be prohibited uses in this instance so I'm very comfortable with that. It is -- I'll just read from the letter from the old Austin neighborhood association, by agreement between iwana and the applicant and recognizing the referenced property lies within the criminal justice overlay following uses are conditional and it outlines those and also talks about by agreement with the city of Austin and the applicant vehicle trips are limited to less than 2,000.

[3:05:47 PM]

I'm not sure if that was the agreement with the city, but that was the request of iwana. And we clearly have difference on overlays, I'm interested in getting the best zoning and when we're looking at changes making sure that it -- it allows for those changes while still being [inaudible] Specific and working with the neighbors that are surrounding it whether those are businesses or in this case residents. So the conditional overlays have in so many cases allowed us to get consensus and ability to move forward with changes that are acceptable to the applicant in this case, these changes are acceptable to the applicant. I don't believe there's any disagreement about making those uses prohibited. Given this is an area which we've identified as being within a particular area, the criminal justice overlay where we want to discourage certain uses because of proximity to the court system and some of our jails, it's entirely appropriate but we have a philosophical difference about whether simpler zoning necessarily leads to better zoning and I'm going to continue to argue that conditional overlays allow us to come up with better resolutions in many cases.

>> Mayor --

>> Mayor Adler: I meant to ask for a second before the mayor pro tem defended that. Councilmember pool seconds.

>> Alter: Can I just clarify the motion?

>> Tovo: Sure.

>> Mayor Adler: The motion was to approve the -- the motion is to approve the recommendation with an addition or was it just to approve the recommendation?

>> Tovo: It was the recommendation from planning commission with an additional condition that limits trips to 2,000.

>> Mayor Adler: And it was --

>> Tovo: I believe we're ready only for first reading. Is that my understanding, Mr. Guernsey?

>> That's correct.

[3:07:48 PM]

Mayor, we do have the applicant's agent signed in to speak.

>> Mayor Adler: Mayor pro tem, can you take the chair on this one? I'm going to recuse myself so I have a check -- I want to make sure I don't have a conflict. Mayor pro tem.

>> Pool: Mayor pro tem, could I just make a comment before we hear from the applicant because she may be able to weigh in because she was an a city of Austin employee at the time. So I just wanted to bring some historical reference into this part of town and the controversy over the building of the prison, the jail, Travis county jail in this area and the possibility one of the reasons why there are so many overlays and guarantees is to ensure that this part of town, which was also residential at the time the jail was built, that there would be some -- that the neighborhood wouldn't devolve into just bail bondsmen and released offenders from the jail.

>> So councilmember, I believe it was mayor Wynn that was here at that time and there was a resolution I think directing staff to go create an amendment -- or create an overlay around the jail complex for certain uses that might be deemed incompatible having a jail so close and having the -- actually office uses and residential uses nearby. Pawn shops was made a prohibited use because there's a unique provision under state law that says you can't make a pawn shop conditional so that's why it's actually prohibited in the district. Otherwise it's my belief that it would have been also made conditional as well as all the others that were part of the district as it exists today.

>> Pool: Is it fair to say some of the reasons for the conditional overlays in this area were in order to kind of create a zone of some sort because of the fact that there were offices and residential and then the jail was being built?

[3:09:57 PM]

>> The overlay was created to create that buffer around the jail, that's correct.

>> Pool: Buffer. That's the word. Thank you.

>> Tovo: Councilmember alter.

>> Alter: Mayor pro tem, I wanted to clarify your motion included the height limit that was part of staff recommendation.

>> Tovo: Yes, absolutely.

>> Actually the commission's recommendation, and staff.

>> Tovo: I was going to say the commission's resolution did include that as I understand it.

>> Alter: It just wasn't said. Thank you.

>> Tovo: Councilmember Flannigan.

>> Flannigan: I want to be clear that the criminal justice overlay solves the problem that the additional cos are now further creating complications. It is unnecessary to have these additional cos because the criminal justice overlay served a policy objective in a broad sense that is applied to properties throughout this area. It is unnecessary, it complicates the zoning and mayor pro tem, I appreciate truly that there are philosophical differences and I genuinely enjoy the debate on these topics. For me it's not that simplicity is always better. It's that when we further complicate our code and complicate our zoning, we have additional burden on staff to accurately represent what different properties can and cannot do. It causes the community to sometimes get different answers to the same question depending on which staffer happened to answer it. And sometimes this even leads to legal action against the city when staff has been unable to fully wrap their -- the story around any one zoning case. So there is value to simplicity in the zoning, and this may be the best case on today's agenda because the uses in question are already prohibited or require additional review and approval in the public. It's not even a staff approval, which I might even argue for -- would solve the problem itself. In this case it's a commission approval. So in this case more so than maybe any other on the agenda the use restrictions are entirely unnecessary because it is already covered by the criminal justice conditional overlay and that is my point on this one.

[3:12:09 PM]

The height limitation is a fight for another day, but it's also my understanding that on the trip limitation there was some push-back or conversation with the law department and staff about trying to get away from these types of restrictions, is my staff telling me the right thing on this?

>> Staff did look at this. Staff only as part of a conditional overlay only suggested the conditional overlay to be addressing only height. The additional limits on the uses was I think an agreement between the old west Austin neighborhood association I think and the applicant. Commission heard those and made that part of their recommendation. Staff did not recommend and nor did the commission the trip limitation and I think that has to do with some recent changes in our transportation staff and the development services department and the Austin transportation department that looking at those issues that deal with rough proportion analyst. Also this property is very small. It's only about 3900 square feet. We understand it's being developed with the property next door and so it didn't even come close to the 200 trip threshold when the transportation impact analysis determination was done. If you were to even conclude that this property was being developed from scratch and had a much lesser zoning category, I think we calculated it would come out to be about 760 trips would be the most that could be generated by an office on this property. That's the reason staff didn't recommend the trip limitation, but nothing would preclude council from adding the 2,000 trip limitation if that's the desire. Oh, and the agent is still here to speak to the case.

>> Tovo: Okay, we'll go to the agent.

[3:14:10 PM]

Ms. Glasgow. And you'll have five minutes.

>> Good afternoon, mayor pro tem, councilmembers. I was not intending to speak at all today. I hoped this case would go by consent. I appreciate the discussion and my -- I'm sorry, I should introduce myself. Alice grass cow representing Texas association of counties -- Glasgow, and my applicant is agreeable to whatever the city council deems appropriate.

>> Tovo: Thank you, Ms. Glasgow. Are there any questions for Ms. Glasgow? Okay.

>> Casar: Mayor pro tem.

>> Tovo: Councilmember Casar.

>> Casar: I tried to follow the discussion best I could, but if one of my colleagues or yourself could help clarify for me what happens with -- what the substantive difference is with or without the co. If we're

planning on taking a vote on that. I understand there would be a -- or the staff could, that, you know, I'm trying to find out what the belt and suspenders and what is different.

>> Mayor, if I may -- mayor pro tem, the additional uses that would be prohibited would be bail bonds, liquor store and cocktail lounge. Instead of being conditional they would be prohibited uses. Then there would be an additional condition of 2,000 trips that mayor pro tem offered as part of that motion. This would not affect, as I understand, the restrictive covenant dealing with amplified sound, it sounds like, nor would there seem to be any opposition by any council offices to the height limitation of 60 feet. But that would also be part of a conditional overlay.

>> Casar: But the 2,000 trips most likely isn't feasible or isn't going to necessarily happen in this building, but the -- so the main difference would be whether those uses are conditional or restricted altogether.

[3:16:17 PM]

>> Right. As far as -- those uses being prohibited or limited, those three uses, that's correct.

>> Casar: Okay.

>> Tovo: Other questions? Okay. So this is being considered on first reading. All in favor? Sorry, councilmember.

>> Flannigan: I would like to do what I did last case and then to remove the use on the trip -- use restrictions and the trip limit co as it's been described.

>> Tovo: Do you want -- why don't we take them separately.

>> Flannigan: That's fine a then we can take a vote on --

>> Tovo: I think we should take a vote on your amendments first. I was asking whether you wanted your amendment to be remove all at the same time or do you want to take the uses separate from the trip limitation?

>> Flannigan: I think maybe separate might be a good idea.

>> Tovo: So council Flannigan moves to remove the -- which do you want to first?

>> Flannigan: Uses.

>> Tovo: Okay. The prohibition on the uses that would otherwise be conditional. Is there a second to that motion? To that amendment? Councilmember troxclair seconds that amendment. Any other discussion? All right. All in favor? Councilmember troxclair and councilmember Flannigan are in favor with mayor Adler off the dais. All in favor -- I mean all opposed, rather? And that is the rest of the dais.

Again with councilmember Houston, are you voting? Again with the mayor off the dais. So that amendment fails. Councilmember Flannigan.

>> Flannigan: Now I'll move to remove the trip limitation co from the case.

>> Tovo: Is there a second to that amendment? Councilmember Casar seconds the amendment to remove the trip limitation. Any other discussion? Councilmember Casar.

>> Casar: Will you explain again why you all saw the trip count limit as being --

[3:18:20 PM]

>> This property is very small. It's also unusual and basically its layout, it's almost like a L. Even if you would try to maximize the trips for an office use under a dmu zoning you would only end up with 750 plus or minus trips. So that's why staff didn't move forward and require tia or the trip limitation. It's so small. As I understand it the applicant's agent, Ms. Glasgow, mentioned this would probably come back as an office project combined with neighboring property next door. We would then take a look at that project as a whole at the time of site plan and see if there's a need for a tia, but this property is small.

>> Casar: Thank you for bringing that. That seems to be adding a layer that may not be necessary so I'll be supporting the motion.

>> Tovo: Further comments on the amendment?

[Buzzer sounding] Really quickly. I'm kidding.

>> Houston: Next time could you put a picture up because we can't see what you are talking about when it's little. Not this time but the next time.

>> Tovo: Other comments? Okay. So we're voting on councilmember Flannigan's amendment to remove the trip limitation. All in favor? Councilmembers Houston, Renteria, Flannigan, Casar and troxclair so that is one, two -- five. All opposed? Those are councilmembers alter, pool, kip -- kitchen, Garza and tovo. 5-4 with the mayor off the dais and that motion fails. We're back to the original motion just on first reading. Any other comments? All in favor? And opposed?

[3:20:20 PM]

Passes on a vote of 10-0-1 with the mayor off the dais.

>> Mayor Adler: All right. Let's continue on with the agenda. I think that gets us to -- that was item 111, no?

>> I think brings us back to 100.

>> Mayor Adler: Item 100.

>> This is 1607 raccoon run. I'll pause or I can go through the presentation.

>> Flannigan: Item 100 is the one we're on. Because of some process issues I'm not going to go any longer than this, but I would have liked to have a conversation about the co, but as we learned in a previous council meeting if the applicant requests it in a previous application council cannot remove it. In this case the original application did not ask for cos, but staff put it on the notice that went out to the community. So now if I wanted to remove the co, I would have to renote the neighborhood. Is that right?

>> That's correct.

>> Flannigan: So this is kind of the end of it for me, but that's a problem because you're supposed to notice what the applicant requested, yes?

>> Yes. And it's my understanding there was not an objection by the owner to the four units. This was taking care of a previous existing code violation that the owner inherited on this property.

>> Flannigan: I understand the details on this case, but it was a process failure in this one where staff decided to tie the hands of council by noticing more than the applicant originally requested.

[3:22:26 PM]

So we don't have to debate this because it is what it is and I'm not interested in renoting or doing anything of that, but I wanted to pull it just to point out that these are the types of process issues that for more complicated zoning can create the more complicated process create and as we start to go through how codenext operates we need to be cognizant simplicity is -- those are going to be important as we move forward. Thank you and I'll say my piece on that.

>> Mayor Adler: That makes sense to me though when an applicant files in a certain way it probably should be filed in a certain way so the applicant has the opportunity to make the full argument available. Notion approve item 100? Ms. Troxclair makes that motion. Second? Councilmember alter seconds that. Any discussion? Those in favor please raise your hand. Those opposed? Mr. Flannigan votes no, the others vote yes. It passes. Public hearing is closed. That also is included in the motion.

>> Thank you, mayor and council.

>> Mayor Adler: So then that gets us to 113?

>> Yes, sir, the last item is 113. I think mayor pro tem tovo pulled this case.

>> Tovo: Yes. This is nearby and not -- well not within the criminal justice overlay close so we did receive a request that I think makes sense. I'm trying to determine -- so the old Austin neighborhood association has not -- has not specifically reviewed it, but we did receive a note from one of the property owners in the area who is very active in the old Austin neighborhood association requesting that we apply the very same provisions that we did on the case number 111 to this one.

[3:24:36 PM]

And I think that's a reasonable request so my motion, which I guess I can't make because I'm talking, would be were I to make it to approve this on all three readings with the prohibitions of -- the prohibitions that match the last one, which is to make prohibited rather than conditional bail bond services, stand alone cocktail lounge use, pawn shop use and liquor package store and to prohibit an outdoor entertainment amplified music use. It's my understanding that there may not be opposition from the applicant on this but I would look to staff for confirmation and also the vehicle trip limit.

>> This would -- that's correct, and if we could put on the screen, we received a letter from the neighborhood organization. As you can see it just came in on the 2nd. And it details those particular items of the height limitation, it was already part of the staff recommendations, commission's recommendation. Then also added the uses that mayor pro tem spoke to and the vehicle trip limitation. This is only ready for first reading and the amplified sound would be something that would have to be in a restrictive covenant and so that would have to be created as well.

>> Tovo: Mayor, I'm happy to revise my motion to be first reading only.

>> Mayor Adler: Okay. Is there a second to that motion? Ms. Houston seconds that motion. For the same reason as the last one I'm going to recuse and ask you to take the gavel.

>> Tovo: I don't know if we have any speakers. Let me just check.

[3:26:37 PM]

>> Mayor Adler: 113 does not.

>> Tovo: Seeing no speakers, are there any questions from the dais on this case before we vote? Okay. All in favor? Any opposed? Any abstentions? Okay, so that's unanimous on the dais with mayor Adler --

I'm sorry. Apologies. So that is councilmembers voting aye are councilmembers alter, Houston, pool, kitchen, Renteria, Casar, Garza, tovo and troxclair. And councilmember Flannigan voted against. Mayor Adler recused.

>> Mayor Adler: You're going to set a really high bar if you are asking me to call out all ten names.

[Laughter] Those are all the items we have before our 4:00 notice for the public hearings. So it is about a little before 3:30 so we're going to take a recess and come back here at 4:00. My understanding is that staff is asking for a postponement of that first item, number 118, so I would imagine we're not going to have the public hearing on that. I just say that by way of notice. We stand recessed until 4:00.

[3:54:19 PM]

[Recess]

[4:03:56 PM]

>> Mayor adler:all right. We have a quorum back here. We have one matter we need to reconsider to change a date that it was postponed to, and we have a couple things, postponements, we can do on consent. Why don't you walk us through these.

>> Greg Guernsey, planning and zoning department. The item to be reconsidered, I spoke to councilmember Houston, and we went back and looked at the backup material on item 101, c14-2016-0090, council did recommend the consent agenda postponement to August 31. The backup material actually says September 28, I understand with councilmember Houston's office that it is the correct date. So if council --

>> Mayor Adler: So this --

>> -- Consider item 101 to rescind that and make a motion to postpone that item --

>> Mayor Adler: So is there a motion to reconsider item number 101? Motion has to be made by someone that voted in favor of it.

>> Houston: We all voted for it.

>> Mayor Adler: Ms. Houston makes that motion. Seconded by Ms. Pool. Is there any objection to motion to reconsider. Hearing none, the motion will now be reconsidered. Ms. Houston makes a motion that item 101 be postponed till September 28. Is there a second to that motion? Mr. Flannigan seconds

that motion. Is there any discussion? Those in favor please raise your hand. Those opposed. It's unanimous on the dais. Ms. Garza is not here, Ms. Kitchen is not here, and Mr. Renteria is not here. The others voting aye. All right. Next item --

>> The 4:00 agenda, public hearings possible arbitration staff would offer postponement to item 118. This is regarding the voting requirements for the historic landmark commission. Staff is recommending a postponement of this item to your August 31 agenda.

[4:05:57 PM]

That's number -- item 118.

>> Mayor Adler: Okay. We have one citizen signed up to speak on this, David king. Mr. King is not here. Is there a motion to postpone this item 118 until -- until when?

>> August 31.

>> Mayor Adler: August 31. Mayor pro tem makes this motion. Is there a second to that? Councilmember alter seconds that. Is there any discussion? Those in favor of the postponement please raise your hand. Those opposed. It's unanimous on the dais. And next one --

>> Mayor, I understand item 120, this is for property located at 76034 fm969 regarding a variance, the applicant is requesting postponement to September 28 and the staff would concur and agree with that date. So staff would agree to the applicant's postponement to 9/28 on item number 120.

>> Mayor Adler: Okay. Is there a motion to postpone item number 120 until -- I'm sorry, the date?

>> September 28.

>> Mayor Adler: September 28. Ms. Houston makes that motion. Is there a second? Ms. Garza seconds that. Is there any discussion? Those in favor raise your hand. Those opposed. It's unanimous on the dais. That gets us to the last item on our agenda before -- leaving only music and proclamations after this next item. Which will start at 5:30 and everyone is encouraged to stay here for some really good music.

>> David potter, program manager with neighborhood housing. We have a public hearing to consider a resolution supporting an application submitted to the Texas department of housing and community affairs by del valle 969 apartments limited or an affiliated entity for the new construction of an affordable multi-family development to be located approximately 14011 fm969 in the --

[4:07:58 PM]

>> Mayor Adler: Can you hold on one second? Did you hold on one second, please? Greg, would you stop them for a second, please.

>> Yeah. There were two people that were signed up I think to speak on an item, and I didn't give them a chance to speak to us. This item has been postponed. Are you okay waiting until the item gets called back again or do you want to speak today? This item has been postponed. You can either speak when this item comes back or I'll give you the chance to speak now instead of speaking when it comes back.

>> My apologies, mayor. I'm the agent for the church, and we're in discussions with the property owner directly north of us to create that safe pedestrian access to keep us out of the floodplain.

>> Mayor Adler: Do you want to wait to speak?

>> Yes, sir.

>> Mayor Adler: Okay. Waiting is good.

>> Appreciate it, mayor.

>> Mayor Adler: You were here. I wanted to give you the chance. All right. Thank you. I apologize. Please continue.

>> I understand completely. I don't have anything else to add. Just I guess there are speakers signed up for the public hearing.

>> Mayor Adler: Okay. We will start the public hearing now. This is item number 119. First speaker is Michelle Hossman. Is Fisher Centerfield here? Okay.

>> Good afternoon --

>> Mayor Adler: You're speaking for the applicant?

>> Excuse me.

>> Mayor Adler: Are you speaking for the applicant?

>> Yes, sir.

>> Mayor Adler: I'll give you eight minutes, five plus three.

>> Thank you. Good afternoon, mayor, mayor pro tem, council, I'm much honored to be representing the applicant on item 119. The developer is the NRP group. The -- they're partners with Strategic Housing Finance Corporation of Travis County. Community housing resource partners is going to be provide afterschool program and affordable summer programs for this transitional housing development.

[4:10:07 PM]

We're representing them for the public process. The request before you is the approval of a resolution of no objection for a tax-exempt bond development, is 100% affordable housing project. Travis county commissioners court approved their resolution, no objection, on may 30 of this year. The nrp group is a national multi-family developer. They have extensive experience in development construction and management of workforce housing, senior housing, market-rate student housing and single family urban. These are examples of the nrp group's developments. The property in question is located in the precinct one, Travis county commissioner Jeff interest jillion, the property is located in the etj of the city so it is not located within a council district. The location here of the property in blue is south of fm969, it is egypt to hornby Dunlap elementary school and daily medical school and Austin's colony neighborhood. The location being adjacent to the two schools provides affordable housing within walking distance of the schools and it will provide units for teachers and staff. It is also located within Austin's mobility corridor development program. It is designated as a future activity node, which means it is a town center emerging with a cluster of commercial and civic uses and a recently completed grocery store. The development is 22 and a half acres, 302 units total, 100% affordable. The affordability will be provided at 60% of mfi offer less, and a four person income of 46,680. It will be a mix of unit types and provides family friendly housing. The 302 units broken down, 121 bedrooms, 1622p2 bedrooms, 963 bedrooms, a total of 128 units are three and four bedroom.

[4:12:16 PM]

The average rents in the area are 1,025 for a one bedroom to 1800 for four bedroom, and you'll see that between all the units are 60% mfi and below and they are below the average rents in the area. This is a rendering of the project, and we titled it the terrace at Hornsby bend. This is a rendering of the swimming pool and amenity areas. And this is also a rendering of their business center and facilities. They will have on-site amenities, swimming pool, playground, activity room, fitness center, high speed internet. The resources will provide afterschool program, summer programs and depending on the needs of the residents, health screenings, first time home buyer education and there are fresh foods within walking distance. Community engagement was led by commissioner Jeff travil I don't know, we met with the naacp and the superintendent Dr. Craig with del valle ISD. We have support letters from the ecology homeowners association as well as Mr. Lender. The meeting that we had with we -- we talked about affordable housing options for teachers and staff, that the schools are underenrolled in this area so providing units for families will have children attending the schools, but the schools are quality -- they have quality programs and facilities and private investment helps the community and teachers in this area. Again, there are partnership opportunities with the school district and the developer to provide afterschool programs and summer camps for all kids. So in summary, the Austin affordable housing blueprint is recommending 60,000 affordable units. This will contribute to that number.

[4:14:17 PM]

The property is in the desired development zone. It's located in this continuing growth area around sh130, within 1 mile of a major highway, 100% affordable housing development with 302 units. This project is not requesting and I or county funding, it is a noncompetitive 4% low-income tax credit project, 128 family friendly units, three and four bedroom, 60% mfi and less, on-site amenities will be provided, afterschool programs and summer, volume pedestrian access to the two schools been provided and proximity to underenrolled middle and elementary schools, also walkable to commercial. 236795 fm969 is part of the voter approved projects that will heighten connectivity and should be completed prior to the project opening and no objection has been approved by county commissioners court. So in conclusion, we respectfully request you approve the resolution with no objection and we are here and available for questions. Thank you.

>> Mayor Adler: Thank you. Jason R achega.

>> Hello, my name is Jason from San Antonio, Texas. I represent nrp group. She covered everything I needed to say but I'll be available for questions.

>> Mayor Adler: Thank you very much. Scott Marx.

>> Mayor, councilmembers, I'm also in the same boat as Jason and I'm here, available to answer any questions you may have about the development.

>> Mayor Adler: Thank you. Juliana Gonzalez. Take your time.

>> Let's get this done. I won't be long.

[4:16:22 PM]

Well, in the spirit of the resolution that you passed this morning, I'm here on behalf of Austin tenants council and other fair housing and tenants rights advocacy groups to request that you postpone this item and give the city staff time to do an assessment of how this proposed development lines up with the fair housing act. The city's analysis of impediments and other relevant documents already adopted by the city. Thank you.

>> Mayor Adler: Thank you. Those are all the speakers that we have. Is there a motion to close the public hearing? Mr. Renteria headaches that motion. Is there a second? Motion to close the public hearing. Mr. Renteria has made that. Is there a second to that motion? Ms. Pool makes that second. Any discussion? Those in favor of closing the public hearing please raise your hand. Those opposed. It's

unanimous on the dais. Is there a motion that someone wants to make relative to this? Ms. Pool -- Mr. Renteria. Do you want to make the motion?

>> Renteria: I make the motion.

>> Mayor Adler: Mr. Renteria moves to adopt -- approve item 119, 2nded by Ms. Pool. Is there any discussion on the dais? Mayor pro tem.

>> Tovo: Mayor, I apologize. I have a question actually for the applicant. Or the applicant's representative. I wondered if you could provide us with a little more information. I was really glad to hear the educational component, afterschool and summer programs. Could you provide us with a little more information about the aches that would be captured within those programs and whether they would also be available on school closure days? You know, not just the summer days but also the days around the December holiday and other days off.

>> Sure. They are -- they capture all school-aged kids up to age 18. And it's -- it runs hours basically short of a day care. So they do run on school closure days as well because really the opportunity is more for just -- it's really just to provide a place for the children to be -- to do their homework but also to make friends and just be watched while their parents are at work.

[4:18:29 PM]

So it still exists. The idea was to make it exist throughout school, school closure days and during the summer as well.

>> Tovo: Is there active curriculum and programming as well or during the afterschool time is it primarily homework?

>> It's both. Hold on it's more the homework first. We normally work with the actual school district. For instance we're doing one in Fort Worth right now, we're working to establish that -- that one is actually working more with an active curriculum and working with the school district in order to make sure that the children have access to computers and are working on that -- on their particular assigned homework, but occasionally in lieu of that or if we haven't reached that point yet, working with the school district, we come up with our own curriculum to keep them busy. But at the same time, it's also really, again, just also a place for the children to feel safe, be watched, and have something to do beyond just going home and being a latch key kid. That's something we will work with the school district. We've already talked to Dr. Crook so we can work with the school district and with the commissioner and we can mesh or programs together.

>> Tovo: That's great. You know, there are -- it's terrific that you're offering a program of any sort but if it be a really high quality afterschool program, that's even better.

>> Absolutely.

>> Tovo: With some real learning opportunities for that out of school time. Is there an early childhood component as well on the site?

>> Prior to kindergarten age? No, ma'am, there is not.

>> Tovo: Is that something you're contemplating?

>> That's something we've contemplated in the past. What we normally do is after the units are about 40% full we normally go and we take -- because it's not just afterschool and summer camp programs we offer as well. We offer first time home buyer, financial literacy, food pantry programs. So it's kind of a Bev have I of options and we normally ask the residents which one of these do you -- are most important. We have a finite budget.

[4:20:30 PM]

We know we'll do the homework first and summer camp. The other ones we try and fit to what's best for the residents in the community. If something like that were to come up and say this is a need here, then we would be able to address it at that time.

>> Tovo: I hope you'll consider the child care, as I think we've talked about before for many families with children, it's actually their number 2 expense after housing, so having on-site quality early childhood could really make a difference in their family's budget as well as their experience that it's a good program for their kids.

>> We'll certainly consider it. Thank you.

>> Tovo: Okay. Thanks.

>> Mayor Adler: Okay. Thank you. There's been a motion and second to approve item 119. Is there any further discussion? Ms. Houston.

>> Houston: So I want to commend the developers for presenting a wonderful example. I love the mix of housing types. I love the unit types. I love the mix of ages and the possibilities there. This is a great project, in my opinion, in the wrong place. As you've heard me say before, the nearest public bus stop is 3.24 miles from this site. The nearest food stores although we've had two that -- one just recently, but they're very small and I'm not sure about the healthy food possibilities there. So the nearest one that we could calculate is about 3.88 miles from the site. The closest hospital is about 9 miles from where we are at 969 and just to make a correction, the Austin mobility bond stops at 969 in Decker Lake. It does not extend out that far, and I'm not sure how far the TxDOT information -- the TxDOT road, they're building

from 130 to someplace, and I'm not sure where they stop. But I'm pretty sure that my road stops at 969 and Decker Lake.

[4:22:32 PM]

It does not go out that far. So you might want to check that. I'm wondering about the educational impact study, whether one is even required from people who are in the extra territorial jurisdictions, and so if we don't require that for things in the county or in the etj, then I'm wondering what the standards of the school are. Are they exceptional? What are the ratings of those schools we're going to be sending out kids to? So I have a lot of concerns. I know that those houses in those units are needed. I'm going to have to vote no because we keep doing the same thing over and over again. We're going to be causing people to drive 11 hours to get into the city of Austin to their jobs because we won't put transit out where people are going and that's off 969 and 130. So I'm going to have to vote no.

>> Mayor Adler: Any further discussion on this item? Moved and seconded to approve 119. Mr. Casar.

>> Casar: Very briefly, this one, like many others, have been difficult cases because I also would like to see more of this type of development and this level of affordability in higher opportunity areas or even closer into the city and I think that getting that change in behavior is important but I don't want to -- I'm hesitant to vote no on these and the change in behavior be that we get less overall affordable housing so that's part of why I appreciate the council, even though I respect very much yes and no votes on this particular project, the unanimity in which the council moved forward on trying to figure out if we can change behavior by changing the incentives so we get more 4% tax credits closer into the city in higher opportunity areas like we're getting on the 9%. I'll be supporting this one with an eye towards figuring out how we can get more of these 4% tax credit projects to the types of location that's councilmember Houston has described.

[4:24:46 PM]

>> Mayor Adler: Any further discussion? Take a vote. Those in favor please raise your hands. Those opposed. That item passes. That's all the business on our agenda.

>> Renteria: Mayor.

>> Mayor Adler: Mr. Renteria.

>> Renteria: I just want to announce that I have my future city councilmember, my great grandson, with my granddaughter and my son.

[Laughter]

>> [Off mic]

>> Mayor Adler: That's great. Anybody have anything before we leave? The steel band is great. Good music at 5:30. With that, we will adjourn subject to just music and proclamations. It is 4:25.

>> Renteria: Mayor, I also want to let you know that Austin lost a young man, a very talented musician. His name was -- he was 24 years old to cancer. His name was Anthony Ortiz, junior, and he passed away this week. You know, he had -- he did classes at the Mac at the musical center so it was a big loss to us.

>> Mayor Adler: Very sorry to hear that. All right. We stand adjourned subject to those items.

[5:32:32 PM]

>> We set? You know, this is the live music capital of the world. So it is only fitting and appropriate that I think we are the only city council in the country -- I don't know that for a fact, but anecdotally I think it's true -- that has live music at every city council meeting. Sometimes that music comes and serves as the moment when we stop throwing things at each other and calm down, and actually listen to music. And on rare occurrence like today, when the city council meeting actually ends early, it serves as that goal that keeps us pushing to get things done in time. So, this is a real treat for us and for the people that tune in to hear the music. And we are really lucky today to have the inside out steelband with us. This group is a nonprofit organization dedicated to building community through music. Inside out has been actively advancing the trinidadian steel pan art form in Austin since 1996. That would be 21 years, offering community classes, school-based residency, summer camps, family friendly public performances. Inside out has hosted many of the best steel pan musicians in the world, including Liam, ray, and Andy. For educational workshops, collaborative performances.

[5:34:35 PM]

So austinites, from absolute beginners to professional musicians, are welcome to learn and play the steel pan with inside out. So, a real treat for us. Please join me in welcoming inside out steelband.

[Applause]

>> Mayor Adler: Thank you.

[Applause]

[5:38:39 PM]

[applause]

>> Mayor Adler: That was great. So how do you get different pitches on different parts of the steel head?

>> Inside each of the instruments, all the notes are scored off. And at the center of these, the highest point is where you get the specific sounds. Carolyn and I were playing the soprano voice, which has all the notes inside this instrument. Matt was playing double second, between the two drums he can get the pitches. And each of those separate areas have been hammered. It's a combination of hammering and heat that creates the note, and that's how you get the pitch.

>> Mayor Adler: Very cool.

[Applause]

>> Mayor Adler: So if somebody here or watching wants to hear you guys play --

>> Yes.

>> Mayor Adler: Do you, like, do gigs that people could go see?

>> Yeah, we try to do family friendly events, public festivals and concerts about every four to six weeks. Tuesday, August the 29th is our next show coming up. It's a free show, 7:00 P.M. At good shepherd church. That's also where we're having our community classes right now. So if you, mayor Adler, would like to learn to play steel pan on Tuesday nights, 6:30 beginner class.

>> Mayor Adler: I've always wanted to do this. This is pretty cool stuff. You travel around and you hear musicians doing this. It's very, very cool. Well, that's exciting. Do you have, like, a website if somebody wants to find you?

>> We do, insideoutsteelband.org and we stay current with Facebook, inside out steelband, so you can keep up with us both of those spots.

>> Mayor Adler: I have a proclamation that I want to read and announce. Be it known that whereas the city of Austin, Texas, is blessed with many creative musicians whose talents extend to virtually every musical genre, and whereas our music scene thrives because Austin audiences support good music, produced by legends, local favorites and newcomers alike, and whereas we are pleased to showcase and support our local artists, now, therefore, I, Steve Adler, mayor of the live music capital, do hereby proclaim August 3rd of the year 2017 as inside out steelband day.

[5:41:20 PM]

Congratulations.

[Applause]

>> Put it behind the drum kit?

[Laughing]

>> All right. On three. One, two, three.

[Laughing]

>> Thank you.

>> Mayor Adler: I want to know why, when I hit that drum, it didn't actually sound like a note.

[Laughing]

[5:44:15 PM]

>> Mayor Adler: Well, that was great. We have now with us another proclamation that I get to issue. When I issue this, at the end I'm going to present it to David Ondich and Lee Nguyen, and we'll give them a chance to say a few words. This proclamation, whereas on July 26th of the year 1990, the Americans with Disabilities Act or ADA was signed into law, greatly expanding rights protections for an estimated 57 million Americans with disabilities, forever creating a second Independence day to celebrate equality of opportunity for all Americans, and whereas this commemoration is especially meaningful for all citizens with disabilities as it marks the 27th anniversary of the enactment of the ADA, and whereas we recognize that Austin's citizens with disabilities have a right to full participation in the social, cultural, and economic activities of our community, and that these citizens help to support the community and contribute to the economy of Austin, and whereas accessibility for and inclusion of citizens with disabilities is a core value for all city programs and services, the city of Austin has established a strong, ongoing commitment to full implementation of the ADA, thus offering more opportunities and a better quality of life for everyone in our community. Now, therefore, I, Steve Adler, mayor of the city of Austin, year 2017 as Americans with Disabilities Act 27th anniversary day.

[5:46:24 PM]

Mr. Ondich, thank you for everything that you do, and we'll give you a chance to say something here at the microphone. Here is the proclamation.

>> Thank you very much.

>> Mayor Adler: And directly in front of you is the podium.

>> Beautiful. I think I'm loud enough, I probably don't even need it. The Americans with disabilities act is especially important to somebody like myself, an individual with a disability. But more than anything else, it provides me with an opportunity to work and be provided with accommodation to allow me the opportunity to work. I'm especially proud of the city of Austin. We do so much to reach out to our citizens and visitors with disabilities. And we can all be proud that recently, Austin was named one of the top inclusive cities in the nation, the second-most inclusive city in the state of Texas. And while I would think that the Americans with disabilities act has something to do with that, I like to think that it's the spirit of the people of Austin. And I want to thank mayor Adler for this proclamation and the citizens, and everybody in the city of Austin for what they do and what we do to help make the city inclusive for all people, especially including people with disabilities. Thank you.

[Applause]

>> Mayor Adler: Are there three awards?

>> Yes, there are. Let me -- I tell you what, I'll make a quick little introduction of what these awards are for the purposes of time. Each year the city of Austin recognizes businesses that go above and beyond to provide quality customer service to patrons and customers with disabilities. And so we recognize each year, they're nominated usually by people with disabilities because they have done gone into these establishments and had exceptional service and been treated with dignity and and.

[5:48:26 PM]

And we, again, at the city of Austin feel like it's very important to recognize restaurants, establishments that reach out and go above and beyond to make people with disabilities' experience that much better. And so, hence, we are issuing the annual access awards to three businesses or organizations, entities, today. So I'll leave it at that. Mayor Adler, if you'll read the recipients, I don't believe any of them are here today, so just suffice it to say that these are businesses and organizations that go above and beyond to provide quality customer service to people with disabilities.

>> Mayor Adler: And it's certainly something that we want to be able to recognize. The first one of the Austin access awards gets presented to the girl scouts of central Texas. The second award, Austin access award from the mayor's committee for people with disabilities is awarded to red lobster, west Anderson

lane. And then third, Austin access award from the mayor's committee for people with disabilities, is the red lobster on south Lamar. So, congratulations and appreciation to those businesses.

[Applause]

>> Thank you. Will you grab those?

>> Mayor Adler: Thank you. If we walk three steps to your right, we'll take a picture from outside the podium. That's good.

>> Right here?

>> Proclamation?

>> It is.

>> All right. On three. One, two, three. That looks great. One, two, three. Thank you.

>> Fantastic.

>> Thank you so much.

>> Part of our community here.

[5:50:54 PM]

>> All right. My name is Jimmy Flannigan, city councilmember for district 6, and I have the honor of recognizing a district 6 resident and a longtime community leader. He has served on the technology commission on the community technology and telecommunications commission for more than ten years, including serving as its chair. Some of the highlights from LEM William's service, he served on this commission when the hands-free ordinance was passed. It's a great example of project management from the commission, getting forward a key piece of legislation that has helped keep austinites safe, and that intersection of safety and technology. The annual Austin digital assessment, a study that shows technology disparities from across the city, helping us on city council and staff dig into the challenges of the lack of technology access, and the grant for technology opportunity program, which was awarded to LEM Williams last year for his service. And he has helped increase its total funding. And it has become a very valuable grant for the city. Lem, stand next to me while I'm talking. You're the one who's done the work. Mr. Williams has been an asset to the city of Austin his ten years of service have been very fruitful for this community. And your work on that commission has certainly changed Austin. I think just thinking about how technology has changed this city over the last decade speaks volumes about your work on that commission. And I know this won't be the last thing you do for the city, and certainly not the last thing you'll do for district 6. So I want to read the service award here. This is the distinguished

service award for his untiring service and commitment to our citizens during his ten-year tenure as a dedicated commissioner for the city of Austin, Lemuel is deserving of public acclaim and recognition.

[5:53:05 PM]

His unmatched work ethic has made him an invaluable team man -- member for the commission. This certificate is presented in acknowledgment and appreciation thereof this 3rd day of August in the year 2017. Congratulations, Lemuel. Thank you for your service.

>> I appreciate that.

>> Councilmember Flannigan, mayor Adler, and the other council members who convened for the day, thank you very much for this opportunity. I was first appointed back when Betty was the city cfo and also a councilmember. I'm sure some of you are scratching your head trying to figure out who she is. And I've been blessed. I've been fortunate since 2007 to have served the commission, to see the commission grow, to learn about myself, to learn about this city, this council, just everything that this city has just given me as an individual to serve. And I look forward to the many opportunities in which this council, this 10-1 is going to attack and defeat opposition that's out there that's against this city. And looking forward to the opportunities ahead that this council is going to do is going to be absolutely amazing. And thank you so much, councilmember Flannigan, for allowing me to serve up to this point. There's many deserving individuals in district 6 and throughout the city who want to serve in district 6, but I was very fortunate to have been probably the last of the mohicans, as they would say, from the original seven-member council. And I'm very fortunate. I thank you so much to the city, to the staff, to the commission, to my wife for the second Wednesdays of every month going past 6:30.

[5:55:15 PM]

Just a last tidbit, which I'll be very excited, my first commission meeting in 2007 started at 6:30 and didn't end until 2:00 in the morning. I get my nights back. Thank you very much to this city, to the staff of district 6j. Councilmembers, mayor, mayor pro tem, thank you very much for this opportunity. And I look forward to the many years and the opportunities to come. Thank you again.

[Applause]

>> Yeah.

>> Photo? 🎵